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THESIS

ENTERPRISE POLICING FOR THE SEPTEMBER 12 ERA

by

David E. Dial

March 2006

Thesis Advisor:	Christopher Bellavita
Second Reader:	William Tafoya

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Enterprise Policing is a term developed to identify a policing style that embodies community policing as an organizational philosophy rather than a program. It includes interacting or networking in unprecedented ways with other law enforcement and government agencies, as well as community members, for the purpose of informal communication and mutual support. Under this policing style, neighborhood policing teams will resemble regional networks created for mutual assistance, to exchange information and ensure public safety.

Enterprise Policing is flexible and resilient. It is focused on prevention and preparedness as well as response and recovery. Unlike community policing, Enterprise Policing involves the use of technology and training for information sharing and the development of actionable intelligence. It is intended to address national and transnational policing issues as well as local concerns that impact community safety.

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ENTERPRISE POLICING FOR THE SEPTEMBER 12 ERA

David E. Dial
Chief, Naperville, Illinois Police Department
M.P.A., University of Colorado, 1980

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requirements for the degree of

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March 2006**

Author: David E. Dial

Approved by: Christopher Bellavita
                  Thesis Advisor

                  William Tafoya
                  Second Reader

                  Ted Lewis
                  Academic Associate for Homeland Security and Defense

                  Douglas Porch
                  Chairman, Department of National Security Affairs

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ABSTRACT

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At the Naval Postgraduate School, it was Lauren Wollman who taught me how to write a thesis. My career has been spent writing police reports, memoranda, budget documents, and performance evaluations. I did not have a clue about thesis writing until Lauren showed me the way. My advisor, Professor Chris Bellavita, did more than make suggested improvements to my thesis. His teachings brought me out of my myopic view of the world and made me think about policing from a 30,000 foot level. My second reader, Professor Bill Tafoya, has been a friend and mentor for more than 16 years. It was Dr. Tafoya's class at the FBI Academy during the 1980s that initiated my studies into the future of law enforcement. Dr. Tafoya provided me with critical source documents for my research. Professor David Brannan took the time to review my work and offer an invaluable critique.

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typed them. Every police chief in the country should have such a competent assistant. There are many other men and women on the Naperville Police Department who provided me with their expert advice and assistance. They are the very best in their field and I am indeed fortunate to have their input.

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I.   INTRODUCTION

A.   PROBLEM

During the 1980s and 1990s, the attention of most United States police chiefs was focused on creating community partnerships and implementing some form of community-oriented policing philosophies in their agencies. They were responding to the spiraling crime rates of the 1960s and 1970s. Shortly after the beginning of the new millennium, America's police agencies would be faced with a new threat to public safety, a threat which would require organizational changes.

> September 11, 2001, was a turning point for American law enforcement. Immediately following the attacks, local, state and federal law enforcement agencies faced service demands, problems and issues that they had never seen before. Within the next year, agencies witnessed how those developments affected budgets, operational priorities, training, and personnel. Sweeping reforms were not far behind. The passage of federal and state laws is only now being felt, and these mandates will surely continue to instigate additional changes in police organizations' missions and strategies. Pending federal grant and technical assistance programs will also drive significant restructuring, as police agencies position themselves to receive that support.[1]

Prior to 9/11, most police executives in America did not give much thought to terrorism as a significant public safety issue for their communities. Major threats seemed to be drugs, guns, and gangs, all of which had resulted in the loss of thousands of lives. Also of concern were burglary, robbery, theft, and other traditional crimes connected with gangs and drugs. The 1993 bombing of the World Trade Center and the 1995 Oklahoma City federal building bombing were isolated incidents of terrorism in the minds of most Americans. The quick identification and apprehension of suspects in those cases masked the impending doom. Perceptions changed rapidly on 9/11 at 8:46 a.m. (Eastern Time), when the first plane crashed into the North Tower of the World Trade Center. The attacks of that day represented a new, unanticipated challenge for America's police agencies, all of which were caught off guard.   In spite of all of the efforts taken by law enforcement agencies to implement community policing philosophies and methods,

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[1] Gerard R. Murphy, et al, *Protecting Your Community From Terrorism: The Strategies for Local Law Enforcement Series*, Vol. 1 (Washington, D.C.: Police Executive Research Forum, 2003), xi.

local police agencies lacked the capability to prevent or to respond adequately to such attacks. Intelligence about the impending attacks was non-existent to local police agencies, obvious signs were ignored, and technology was not in place to enable a more effective response to the disastrous consequences of terrorist attacks.

Much of what has been written about the local law enforcement response to terrorism suggests some form of community policing as the appropriate strategy to address the issue of homeland security. This thesis will explore the limitations of community policing strategies on September 11, 2001, and recommend a new model to address those limitations. The study will also focus on the need for police agencies to implement new technologies and to network with other law enforcement agencies in unprecedented ways.

A report delivered to the President and the Congress in December 2003 indicated, "Preparedness for combating terrorism requires measurable demonstrated capacity by communities, states, and private-sector entities throughout the Untied States to respond to acute threats with well-planned, well-coordinated, and effective efforts by all of the essential participants including elected officials, police, fire, medical, public health, emergency managers, intelligence, community organizations, the media and the public at large."[2] This research will propose that police departments form new alliances and networks with other government agencies and the community in order to bridge information sharing gaps and make communities safer.

B.   LITERATURE REVIEW

Literature on the history of changes in American policing typically characterize periods of change as eras. Kelling and Moore identified three distinct phases of change in American policing:

> The political era, so named because of the close ties between police and
> politics, dated from the introduction of police into municipalities during
> the 1840s, continued through the Progressive period, and ended during the

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[2] James S. Gilmore III, et al, "V. FORGING AMERICA'S NEW NORMALCY: Securing Our Homeland, Preserving Our Liberty," *Fifth Annual Report to the President and the Congress of the Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction* (Arlington, Virginia: Advisory Panel, December 15, 2003), 8.

early 1900s. The reform strategy developed into reaction to the political. It took hold in the 1930s, thrived during the 1950s and 1960s, began to erode during the late 1970s, and arguably gave way to the community policing strategy during the early and mid-1980s.[3]

For the most part, this latest generation of policing has served communities well. Crime rates have dropped drastically as police agencies have sought to address the root causes of crime and reduce the fear of crime. Community trust and respect for police has increased from the 1960s when it was commonplace to hear police officers referred to as "pigs." Much has been written about the effectiveness of community policing philosophies. Some have even suggested that community policing strategies are appropriate for coping with the terrorism threat. For example, Scheider and Chapman, senior social science analysts with the U.S. Department of Justice, Office of Community Oriented Policing Services, have indicated that the three inter-related elements of community policing – organizational change, problem solving, and external relationships – are sufficient to enable police agencies to prevent and respond to terrorism in an effective manner.[4] Although there may be some basis for that view, implementation of those strategies on September 11, 2001, did little to stop the largest single terrorist attack in the history of the world.

David Carter suggests bolstering community policing with intelligence-led policing strategies to more effectively prevent terrorism:

> The prudent executive will explore these avenues as part of a comprehensive, community-wide homeland security strategy. Because of all of the concern for terrorism and Islamic extremism, the need to embrace all elements of the community becomes an even higher priority. As noted by the Muslim Public Affairs Council: 'Ultimately, U.S. counterterrorism efforts will require a partnership between policymakers and the American Muslim community. . .'[5]

Several works cite the significance of the role of local law enforcement in the security of America's homeland. The 9/11 Commission recommended that local police

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[3] Francis X. Hartmann, ed., *Debating the Evolution of American Policing, Perspectives on Policing* (Washington, D.C.: National Institute of Justice, 1988), 1.

[4] Rob Chapman and Matthew C. Scheider, "Community Policing and Terrorism." *Journal of Homeland Security* (December 13, 2004): 15.

[5] David L. Carter, *Law Enforcement Intelligence: A Guide for State, Local, and Tribal Agencies* (Washington, D.C.: U.S. Department of Justice, November 2004), 51.

agencies receive more training and develop effective working relationships with federal agencies so that they may work cooperatively to identify terrorist suspects.[6] Scheider and Chapman note, "A great deal of the responsibility for preparing and responding to terrorist events rests with local police departments."[7] A RAND Corporation monograph reinforced that finding by stating, "Law enforcement plays a critical role in responding to, preventing, and deterring terrorist attacks."[8] Also, a report published by the Police Executive Research Forum states, "Law enforcement agencies have historically been charged with preserving the safety and security of the public. Regrettably, the mission is no longer limited to traditional crime – the prevention and deterrence of another terrorist attack on American soil have become a crucial part of this mission, leaving law enforcement agencies at every level of government responsible for restoring and maintaining a public sense of security."[9]

Other reports address the importance of community networking as a means to enhance public safety. Examples are cited in the Citizen Corps initiative launched by the federal government in 2002. The purpose was to have citizens take a more active role in emergency preparedness issues and to establish partnerships with first responders.[10]

Arguing that an "entrepreneurial" form of government should be established, David Osborne and Ted Gaebler wrote, "Perhaps the only public system in worse shape than education and health care is criminal justice. Since 1960, violent crime has increased 12 times faster than our population. Our murder, and rape, and robbery rates are the highest in the world. Our courts and prisons are so full that criminals know real punishment is unlikely. Yet the system is bankrupting state and county government."[11]

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[6] Thomas H. Kean et al. *The 9/11 Commission Report* (New York: W.W. Norton & Company, Inc., 2004), 390.

[7] Chapman and Scheider, "Community Policing," 2.

[8] Lois M. Davis, et al., *When Terrorism Hits Home − How Prepared Are State and Local Law Enforcement?* (Santa Monica: RAND Corporation, 2004), iii.

[9] Stephan A. Loyka et al., *Protecting Your Community From Terrorism: Strategies for State and Local Law Enforcement* (Washington, D.C.: Police Executive Research Forum, Volume 4, February 2005), 1.

[10] President George W. Bush, *Citizen Corps – A Guide for Local Officials* (Washington, D.C.: Federal Emergency Management Agency, 2002), 8.

[11] David Osborne and Ted Gaebler, *Reinventing Government: How the Entrepreneurial Spirit is Transforming the Public Sector, From Schoolhouse, City Hall, to the Pentagon* (New York: Addison-Wesley Publishing Co., Inc., 1992), 319.

In a study of organizational change in police departments, Jihong Zhao, a noted author and criminal justice professor at the University of Nebraska, focuses on two models of police organizations – a bureaucratic model and a community oriented policing model. He demonstrates that change in police departments is typically forced, in response to a turbulent external environment, rather than consciously chosen. Writing in 1996, Zhao opined that the movement toward community oriented policing was more of a preliminary phase of organizational change than a substantial paradigm shift.[12] Zhao explained that even a cursory review of police organizational change suggests the bureaucratic model of policing continues to exist in many American police departments and efforts to implement community policing philosophies fall short of their potential.

Since Zhao conducted his research, the terrorist threat to America has materialized. The threat of terrorism which now challenges American law enforcement agencies is a clear example of a "turbulent external environment" mentioned by Zhao as a precursor to change.

Reinforcing the need for change, a 1995 RAND study of police agencies throughout America found that state and local law enforcement agencies were not prepared to respond to domestic terrorism. In particular, it found there was "poor liaison and communication with federal and state officials, little or no training related to terrorism preparedness, little or no intelligence and strategic threat-assessment capability, and minimal expert review of plans and training exercises."[13]

C.   HYPOTHESES

According to the 9/11 Commission, the terrorist attacks of September 11, 2001, "…revealed four areas of failure: in imagination, policy, capabilities, and management."[14] Although the commission was referring primarily to federal agencies, similar failures also existed at state and local government levels. Prior to the terrorist attacks, America's local law enforcement executives considered gangs and drugs as the

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[12] Jihong Zhao, *Why Police Organizations Change: A Study of Community-Oriented Policing* (Washington, D.C.: Police Executive Research Forum, 1996), 1-40.

[13] Davis et al., *When Terrorism Hits Home,* xv.

[14] Kean et al., *The 9/11 Commission Report,* 339.

major threats to public safety in their communities. The thought of terrorism was not a significant concern to most police chiefs on September 10, 2001. By the next day, it became apparent that local police departments have a significant role to play in the prevention and response to terrorism. The hypothesis of this thesis is:

- The community policing strategies that were in place on September 11, 2001, were not effective at meeting the challenge to public safety posed by the threat of terrorism in America. If police agencies are to contribute to America's homeland security mission and to the prevention of terrorism in the future, they will need to become more enterprise-structured, resilient, intelligence-led, and networked-based.

- This study will examine the reality of community policing philosophies that existed at the time of the attacks and recommend changes that should be considered by police executives. It will begin with an explanation of the nature and future potential of the threat and will incorporate readings related to the asymmetric threat of terrorism, and the countless vulnerabilities that are present in American communities. The thesis will explore possible reasons why community policing as developed in the United States was inadequate and ineffective as a strategy to prevent the attacks of 9/11. Citing a study from the Police Executive Research Forum, it will address both key inhibitors and facilitators of change in police culture and their relationship to the implementation of community policing philosophies.

This study will also review the definitions of law enforcement intelligence and intelligence-led policing. Michigan State University Professor David Carter suggests that intelligence analysis in local police agencies needs to evolve to meet current challenges. Moreover, this study will discuss the need for local police agencies to network in unprecedented ways in the future. This will involve networking with state and federal law enforcement agencies in more effective ways, establishing relationships with community members and their organizations, maintaining contact with other local police agencies, and facilitating communication between individual police officers within the same agency.

This research will integrate these issues and call for a new model of policing, which I term "Enterprise Policing." This model involves a new form of collaboration with the community and other government agencies. Enterprise Policing begins with new adaptations of community policing and incorporates new technologies. I will cite RAND research on the future of police training. The study will outline how police agencies can gear their training efforts toward a more value-based learning environment that will enable more effective problem identification and problem solving strategies.

This study will conclude with the recognition that police agencies cannot predict or address every terrorist threat to homeland security, acknowledging that the provision of well-planned, common sense policies for organizational change are the best hope for the future of public safety.

D.   METHODOLOGY

The methodology used in this research will be a review and analysis of literature relevant to terrorism, the evolution of community policing, changes necessary to meet the demands of the threat of terrorism, and the measurement of the effectiveness of organizational change. The study will cite comments from a June 24, 2005, meeting of the International Association of Chiefs of Police Community Policing Committee regarding weaknesses in police agencies' implementation of community policing philosophies. It will incorporate the views of a prominent Muslim concerning the enhancement of police-Muslim relations in America.

Following an assessment of the current model of policing, I will suggest an organizational shift toward a more effective enterprise policing model as a response to terrorist threats to homeland security.

E.   THESIS OUTLINE
1.   Introduction

"We have some planes." At 8:24 a.m. on September 11, 2001, these words were transmitted via radio from American Airlines Flight #11. They were spoken by one of the terrorists who had hijacked the doomed plane and transformed it into an incendiary

device destined to disintegrate the North Tower of the World Trade Center 18 minutes later. This began an unprecedented day of shock and suffering in the United States.[15]

No one heard that fateful transmission. The air traffic controller had been busy trying to contact the pilot on an emergency frequency 10 minutes prior to the time the transmission was made because the controller noted that the plane was not flying in a proper path. When the terrorist spoke, his transmission was unintelligible to the controller. That failure to receive and interpret information critical to security is symbolic of the inadequacy of America's methods of communication and response to terrorist threats. Among other things, law enforcement agencies at all levels of government in America have had to re-think their methods of communicating with each other and the communities they serve.

Research to date has suggested that the primary elements of community oriented policing provide America's law enforcement agencies with a strategy that is appropriate to address the threat of future terrorism. However, the strategies that were in place on September 11, 2001, were not effective in preventing the terrorist attacks that day, nor were they adequate for an effective response in the aftermath. This thesis will explore the limitations of community policing strategies on September 11, 2001. It will also address the inability of those strategies to prevent terrorist attacks and recommend a new model of policing to rectify those limitations.

2. The Nature of the Threat

Chapter II defines terrorism and explains the diversity of the terrorist threat. A rationale for change in the way American law enforcement agencies respond to threats to public safety, including the continuing danger of terrorism, will be proposed.

3. The History of Law Enforcement Change

Chapter III summarizes the evolution of policing and suggests how police organizations change. The status of community oriented policing as it existed on September 11, 2001, is critically assessed and a case for a new era in policing is made.

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[15] Kean et al., *The 9/11 Commission Report,* 19.

4.   Enterprise Policing

Chapter IV addresses the need for law enforcement to move toward a more technology-driven, intelligence-led model. Necessary changes in police training are identified. Significant elements of the Enterprise Policing model are highlighted, including unprecedented ways of networking with the community and other government agencies. Critical relationships between law enforcement agencies and various segments of the community are emphasized.

5.   Conclusion

Chapter V reiterates the need for police organizational change and considers the need for balance between public safety and civil liberty. The importance of strategic planning and exhibiting strong leadership during challenging times is emphasized. Examples of how one agency is approaching organizational change and how others missed a networking opportunity are discussed.

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II. THE NATURE OF THE THREAT

A. DEFINITION

There is no universally accepted definition of terrorism. "Both political and academic efforts to get to grips with terrorism have repeatedly been hung up on the issue of definition, of distinguishing terrorism from criminal violence or military action."[16] Most of the definitions make reference to the use, or threatened use, of unlawful violence.

For example, the U.S. State Department, the Code of Federal Regulations, and the Department of Defense each define terrorism differently, according to their own priorities. The State Department derives its definition of terrorism from Title 22 of the United States Code, Section 2656 f (d): "Terrorism is the premeditated, politically motivated violence against noncombatant targets by subnational groups or clandestine agents, usually intended to influence an audience."[17] Under that definition, it is implied that violence or force by "subnational" groups is unlawful. That is, the only legitimate use of force lies with the government.

The Federal Bureau of Investigation uses the Code of Federal Regulations' definition, ". . . the unlawful use of force or violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives."[18] This definition makes it clear that terrorist acts are, by definition, unlawful. The Department of Defense defines it as, ". . . the unlawful use of – or threatened use of – force or violence against individuals or property to coerce or intimidate governments or societies, often to achieve political, religious, or ideological objectives."[19] Once again, the term "unlawful" is used to describe terrorist acts.

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[16] Charles Townshend, *Terrorism – A Very Short Introduction* (New York: Oxford University Press Inc., 2002), 3.

[17] Bruce Hoffman, *Inside Terrorism* (New York: Columbia University Press, 1998), 38.

[18] Terrorist Research and Analytic Center, National Security Division, Federal Bureau of Investigation, *Terrorism in the United States 1995 (*Washington, D.C.: U.S. Department of Justice, 1996) vi.

[19] United States Departments of the Army and Air Force, *Military Operations in Low Intensity Conflicts,* Field Manual 100-20/Air Force Pamphlet 3-20 (Washington, D.C.: Headquarters, Departments of the Army and Air Force, 1996), 3-1.

Noted terrorism expert, Bruce Hoffman, provides a more encompassing definition of terrorism as:

> …the deliberate creation and exploitation of fear through violence or the threat of violence in the pursuit of political change. Terrorism is specifically designed to have far reaching psychological effects beyond the immediate victim(s) or object of the attack. It is meant to instill fear within, and thereby intimidate, a wider 'target audience' that might include a rival ethnic or religious group, an entire country, a national government or political party, or public opinion in general. Terrorism is designed to create power where there is none or to consolidate power where there is very little. Through the publicity generated by their violence, terrorists seek to obtain the leverage, influence and power they otherwise lack to effect political change on either a local or national scale.[20]

Regardless of the definition used, terrorism is a threat to public safety and problematic for America's local law enforcement agencies. While this is not a new threat, it is one that poses serious issues for police administrators to ponder as they prepare their departments to meet it.

B.   THE DIVERSE GROUPS

Although much media attention has been given to domestic terrorism caused by right wing and Islamic extremists since the bombing of the World Trade Center in 1993, there have been over 3,000 documented terrorist incidents during the past 50 years in United States and Puerto Rico. The terrorists involved in these incidents are diverse. They are domestic and foreign and they have exhibited two very distinctive features. First, they are extremely diverse in their beliefs. They are black and white extremists, Islamic fundamentalists, neo-Nazis, anti-abortionists, militant Jews, and others. Second, they are divided into numerous groups and factions and some of them are not connected with any organizations.[21]

> Terrorism involves many groups, many instruments and, often, no central command. Terrorists are not a single foe, and no simple theory of deterrence can possibly apply to the spectrum that ranges from anti-U.S.

[20] Hoffman, *Inside Terrorism*, 43-44.

[21] Christopher Hewitt, *Understanding Terrorism in America – From the Klan to al Qaeda* (London and New York: Routledge, 2003), 10-11.

or anti-Israeli 'martyrs' to members of American right-wing militias. To make matters worse, some of the newer terrorists are not motivated to spare innocents, are more generally uninhibited, and do not calculate thresholds of pain and tolerance in society in the same way that mainstream terrorists of earlier decades did.[22]

In addition to having diverse membership, modern terrorists represent an asymmetric threat and employ irregular tactics. "Terrorist tactics focus attention on the importance of information and communications for the functioning of democratic institutions. . . ."[23] According to John Arquilla, this focus on information has lead to an organization of asymmetrical terrorist networks who engage in *netwar,* ". . . an emerging mode of conflict and crime at societal levels, including measures short of traditional war, in which the protagonists use network forms of organization and related doctrines, strategies, and technologies attuned to the information age."[24] Netwar is increasingly becoming a significant threat to public safety. Martin Van Creveld explains the threat:

> In today's world, the main threat to many states, including specifically the U.S., no longer comes from other states. Instead, it comes from small groups and other organizations that are not states. Either we make the necessary changes and face them today, or what is commonly known as the modern world will lose all sense of security and will dwell in perpetual fear.[25]

In his explanation of a new form of terrorism, noted author Walter Laqueur stated, "Most international and domestic terrorism today is not ideological (in the sense of left or right) but is ethnic-separatist in inspiration. . . . In the past, terrorism was almost always the province of groups of militants that had the backing of political forces; in the future, terrorists might be individuals on the pattern of the Unabomber or like-minded people working in very small groups."[26]

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[22] Paul K. Davis and Brian Michael Jenkins, *Deterrence & Influence in Counterterrorism – A Component in the War on al Qaeda* (Santa Monica: RAND, 2002), 7.

[23] Ian O. Lesser et al., *Countering the New Terrorism* (Santa Monica: RAND, 1999), 72.

[24] Ibid., 47.

[25] Martin Van Creveld, "In Wake of Terrorism, Modern Armies Prove to be Dinosaurs of Defense," *New Perspectives Quarterly* 13, no. 4 (Oxford: Blackwell Publishing, Fall 1996): 58.

[26] Stephen A. Cambone, *A New Structure for National Security Policy Planning* (Washington, D.C.: The Center for Strategic and International Studies, 1998), 113.

After the July 7, 2005, suicide terrorist attacks on the London subway system, the Associated Press surveyed veteran students of international terrorism who see the prospect of an "endless" war with al Qaeda members who are mutating into a global insurgency that could become a prototype for other 21st century movements, technologically astute and almost always leaderless.[27]

C.   THE VARIOUS TYPES OF VIOLENCE

The types of violent acts committed by terrorists are seemingly limitless. Bombings are certainly one of the more common forms of terrorism. The first attack on the World Trade Center in 1993 by Islamic extremists and the bombing of the Oklahoma City Federal Building in 1995 by anti-government extremists are vivid examples. Suicide attacks are also prevalent. They can take the form of suicidal bombers, as was the case on the subway system in London on July 7, 2005, on the trains in Madrid, Spain during 2004, and, of course, in the September 11, 2001, suicidal plane crashes in America.

Terrorist attacks can take many other forms. They can involve attacks on America's critical infrastructure, including agriculture and food, water resources, energy and telecommunications systems, banking and finance institutions, and transportation systems as well. In a July 8, 2005, New York Times editorial, it was noted that deadly chemicals are shipped by rail every day into all major cities in America. The author estimated that a simple attack on one tanker car could kill as many as 100,000 people in 30 minutes.[28]

Hundreds of millions of people throughout the world watched the passenger planes, commandeered by terrorists, crash into the World Trade Center and the Pentagon on September 11, and wondered if there could be a worse scenario. Unfortunately, the answer is "yes."

> It has become clear over the last decade that we need to look into the future to assess the possibility of terrorists acquiring and using so-called weapons of 'mass destruction' (WMD) – chemical, biological, and nuclear weapons. Although they did not involve such weapons, the unprecedented

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[27] Charles J. Haney, "New York and Washington. Bali, Riyadh, Istanbul, Madrid. And now London. Where will it end? Where will it all lead?" Associated Press, *New York Times*, July 9, 2005.

[28]"The Dangerous Comfort of Secrecy," *New York Times*, July 8, 2005.

scale of the September 11 attacks seemed to bring this exponential expansion of destruction a big step closer. . . . In technological terms, the risks are undeniably increasing.[29]

RAND researchers Paul K Davis and Brian Michael Jenkins have also expressed other concerns about terrorists and WMDs.

> Deterring acquisition and use of WMD is profoundly important and difficult. Terrorists appear to have grandiose intentions, and some have intense interest in such weapons. Moreover, they may believe that they have what a Cold War theorist would call "escalation dominance." That is al Qaeda could use WMD against the United States, but retaliation – and certainly escalation – would be difficult because (1) the United States will not use chemical, biological, or radiological weapons; (2) its nuclear weapons would seldom be suitable for use: and (3) there are no good targets (the terrorists themselves fade into the woodwork). And, of course, the United States has constraints.[30]

Thus, the concept of "superterrorism" is not one that can be taken lightly and cannot be overlooked.

The threat to public safety has in no way diminished since the September 11 attacks. In fact, according to a RAND research study, there were 5,362 deaths that resulted from terrorist acts worldwide between March 2004 and March 2005. This was nearly double the total number of deaths for the preceding 12 months.[31]

Terrorism cannot be eradicated. "Deterrence is difficult because, for many of the people involved, terrorism is a way of life. Terrorist organizations may hurt badly, but those that cause the most concern seldom go out of existence. For one thing, terrorism provides 'positives' – notably status, power, recruits, and psychological rewards. More important than this, however, terrorism is the *raison d'etre* of these organizations."[32] Noted military theorist Dr. John Arquilla has stated, "The reason more terrible attacks haven't occurred is that the period we're in is just a decade old."[33]   In *America the*

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[29] Townshend, *Terrorism,* 32.

[30] Davis and Jenkins, *Deterrence & Influence in Counterterrorism,* 39.

[31] Haney, "New York and Washington," 2005.

[32] Davis and Jenkins, *Deterrence & Influence,* 5.

[33]Philip Ross, *Terror and Its Antidote,* "Acumen Journal of Life Sciences," (New York: Rodman and Renshaw, December 2003), 70.

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Vulnerable, Stephen Flynn points out, "The White House, the Pentagon, and the new Department of Homeland Security must assume that our enemy will soon launch far more deadly and disruptive attacks than what we experienced on September 11, 2001. The potential scenarios are almost unlimited."[34]

This is the threat that American law enforcement agencies now face. It is not one that the first responders have been well prepared for in the past. Bruce Hoffman stated the challenge succinctly, "In sum, the emergence of this new breed of terrorist adversary means that nothing less than a sea-change in our thinking and the policies required to counter it will be required. Too often in the past, we have lulled ourselves into believing that terrorism was among the least serious or complex of security issues. We cannot afford to go on making this mistake."[35]

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[34] Stephen Flynn, *America the Vulnerable* (New York: Harper Collins Publishers, Inc., 2004), 17.

[35] Hoffman, *Inside Terrorism*, 212.

III. HISTORY AND CHANGE IN AMERICAN POLICING

A. CHANGE

American policing has changed significantly since it began during the 1800s. Much of this change has been evolutionary rather than revolutionary and has been the result of societal change more than innovative police management. "Law enforcement has a well-earned reputation for resisting change, especially when change threatens to control law enforcement behavior."[36] Certainly, police managers have implemented change, but much of that change was initiated by environmental forces. In 1984, Robert D. Pursley wrote,

> Traditionally, the police have been very slow to change. When change has occurred, it has usually…been brought about by such external forces as the courts or reform groups rather than by the police ... themselves. Although these outside influences have brought about many needed reforms in the … police service, such changes, because they are externally rather than internally induced, have too…often been temporary in nature. As a result, once external pressures relaxed, change had a tendency…to decelerate rapidly.[37]

Pursley went on to note that many of the changes in policing involved the use of technological innovations such as automobiles and two-way radios that were superimposed on old traditions, practices, and philosophies. In a more recent (1996) study, Jihong Zhao suggested that alterations in police organizations have occurred primarily as a result of forced adaptation to the external environment. These adaptations, he implies do not represent significant changes in organizational domains or structures.[38]

George Kelling and Mark Moore have suggested that there are three distinct eras of change in policing: the political era, the reform era and the community policing era.[39]

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[36] Bernard H. Levin and Richard W. Myers, *A Proposal for an Enlarged Range of Policing: Neighborhood Driven Policing,* Futures Working Group, Behavioral Science Unit, FBI Academy, (Quantico, Virginia: U.S. Department of Justice, Federal Bureau of Investigation, January 2005), 4.

[37] Robert D. Pursley, *Introduction to Criminal Justice – Third Edition* (New York: Macmillan Publishing Company, 1984), 226.

[38] Zhoa, *Why Police Organizations Change*, xii.

[39] George L. Kelling and Mark H. Moore, "From Political to Reform to Community: The Evolving Strategy of Police," in *Community Policing: Rhetoric or Reality?* ed. J. Green and S. Mastrofski (New York: Praeger, 1988), 1-26.

Jerome Skolnick and David Bayley offer a slightly different, but complementary view, suggesting that a study of police change must focus on two models, the bureaucratic model and the community oriented policing model.[40]

In *A Critical History of Police Reform,* Samuel Walker notes countless examples of successful organizational change in police history that have lead to greater accountability.[41] In both his and Robert Folgelson's study of police history, focus is on the reform era, which they view as being instituted by citizen dissatisfaction with political corruption and poor quality of urban life at the turn of the century.[42] The change in policing became part of a national reform movement in America during the Progressive Era.[43]

B.   THE POLITICAL ERA

The political era, so named because of the close ties between police and politics, dated from the introduction of police in municipalities during the 1840s, continued through the Progressive Period, and ended during the early 1900s.[44]

To understand just how strongly the patronage system controlled the police during that period, it is instructive to note that, in many cases, the police were employed as an instrument of the dominant political party.[45] Furthermore, police uniforms had their beginnings in the distinctive clothing worn by the police to identify their source of patronage. In Philadelphia, for example, officers in one ward wore a specific type of hat while those in another ward wore a specific suit that connected each of them to their political affiliates.[46]

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[40]Zhao, *Why Police Organizations Change,* 5.

[41] Samuel Walker, *A Critical History of Police Reform* (Lexington, Massachusetts: D.C. Heath, 1977).

[42] Robert Fogelson, *Big-City Police* (Cambridge, Massachusetts: Harvard University Press, 1977).

[43] Dennis W. Banas and Robert C. Trojanowicz, *Uniform Crime Reporting and Community Policing: An Historical Perspective* (Michigan State University: The National Center for Community Policing, 1985), 4.

[44] Zhao, *Why Police Organizations Change,* 3.

[45] Raymond B. Fosdick, *American Police Systems* (New York: Century, 1920), 68.

[46] James T. Allison and Robert T. Penrose, *Philadelphia, 1681-1887* (Baltimore: Johns Hopkins Studies in Historical and Political Science, vol. II, 1887), 37-41.

During this period, the police were dominated by corruption and political control. The police themselves were involved in criminal activities on a daily basis under the protection of their political bosses. Theft, drunkenness, and extortion of money from prisoners are examples of the crimes committed by the police officers, whose primary role was to keep the dominant political party in power.[47] The subsequent change to the Reform Era of policing resulted not from internal forces, but from a national movement to eliminate corruption from government.

> Although it is not possible to examine all the features of municipal reform and their interrelationships, such characteristics as the adoption of civil service systems; nomination by petition; initiative, recall, and referendum; the short ballot; the council-manager form of government; nonpartisan elections; and certain sociological and demographic phenomena have brought significant changes to city governance and, as a direct consequence, to municipal police services.[48]

C. THE REFORM ERA

> The reform strategy developed in reaction to the political. It took hold during the 1930s, thrived during the 1950s and 1960s, began to erode during the 1970s, and arguably, gave way to the community strategy during the early and mid-1980s. Both scholars and practitioners of American policing seem to agree that substantial organizational change during the first half of the century transformed the police from a political machine-controlled force into a paramilitary and bureaucratic model.[49]

These changes were concurrent with the scientific management principals proposed by Frederick Taylor emphasizing workplace efficiency, span of control, unity of command, and standardized workplace practices.

The police reforms that occurred at this time changed the focus of policing from a political patronage to a professional, crime control model. "The police reform movement launched by Vollmer in the 1920s, which took hold in the 1930s, seemed to offer the promise that society was on the brink of solving the riddle of crime. Police departments were now increasingly insulated from the political pressures that had spawned a variety

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[47] Pursley, *Introduction to Criminal Justice,* 145.

[48] Ibid.

[49] Zhao, *Why Police Organizations Change,* 3.

of abuses, and they were organized according to the principals of scientific management theory, which promised increased efficiency and effectiveness."[50]

A small crack in the police armor appeared during the 1950s when some community members began to voice concerns about isolationism from the police who were there to protect them. Police agencies responded to this concern with the development of community relations units. This worked well for a while and the bureaucratic, crime control, professional model of policing seemed to be the wave of the future until the turbulent 1960s.

What began as a decade of hope under a new young president ended with spiraling crime rates, civil unrest, anti-war demonstrations and race riots throughout America. A loose coalition of radical groups known as the New Left began clamoring for social change under the umbrella of social justice. Members of the New Left began calling police officers "pigs" and viewed them as brutal agents of establishment oppression. As talk of revolution rang out, the militant Black Power movement, which included such groups as the Black Panthers, became involved in a series of bloody clashes with the police.[51] Black Panther member Eldridge Cleaver declared, ". . . a dead pig is the best pig of all. We encourage people to kill them because they constitute an Army."[52] This general attitude toward the police was expressed by another Black Panther member:

> In our 400-year struggle for survival, it has been the guns and force manifested in the racist pig …cops that occupy our communities that directly oppress, repress, brutalize, and murder us . . . So…when a self-defense group moves against this oppressive system, by executing a pig by any means, …sniping, stabbing, bombing, etc., in defense against the 400 years of racist brutality and murder, this …can only be defined correctly as self-defense.[53]

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[50] Robert Trojanowicz and Bonnie Bucqueroux, *Community Policing – A Contemporary Perspective,* (Cincinnati, Ohio: Anderson Publishing Company, 1990), 61.

[51] Ibid., 65-66.

[52] G. Louis Heath, *Off the Pigs: The History and Literature of the Black Panther Party* (Metuchen, New Jersey: Scarecrow Press, 1976), 172.

[53] Hewitt, *Understanding Terrorism in America,* 63.

The social unrest of the 1960s and 1970s was so great that it generated four separate presidential commissions within a five-year period to study the problem (President's Commission on Law Enforcement and the Administration of Justice 1965; National Advisory Commission on Civil Disorder 1967; National Commission on the Causes and Prevention of Violence 1968; President's Commission on Campus Unrest 1970).[54]

Fear of crime became a major public issue in the United States during the 1960s and, by 1970, public opinion polls revealed that crime was viewed as the most serious social problem in America – surpassing racial conflict, inflation, and even the Vietnam War. Thus, the model that was designed to control crime was failing. The isolation between the police and the communities they served contributed to this failing and led to the community policing era.

D.   THE COMMUNITY POLICING ERA

Probably more books have been written and research studies conducted on the topic of community policing than all other police topics combined. Community policing represents a model of policing that ". . . has evolved from a few small foot patrol studies to the preeminent reform agenda of modern policing. With roots in such earlier developments as police-community relations, team policing, crime prevention, and the rediscovery of foot patrol, community policing has become, in the 1990s , the dominant strategy of policing – so much so that the 100,000 new police officers funded by the 1994 Crime Bill must be engaged, by law, in community policing."[55]

Community policing concepts are in contrast to the precepts of the Reform Era, crime control model of policing. "The two models represent differing sets of values and beliefs, differing key organizational structures and essential operational activities. Both

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[54] William L. Tafoya, "Needs Assessment: Key to Organizational Change," *Journal of Police Science and Administration* (Gaithersburg, Maryland: International Association of Chiefs of Police, 1983), 1.

[55] Robert G. Dunham and Geoffrey P. Alpert, *Critical Issues in Policing, Fourth Edition* (Prospect Heights, Illinois: Waveland Press, Inc., 2001), 493.

models have their advocates and critics, and both model's advocates can point to successes with their preferred approach and failures with the other approach."[56]

Of the two policing models, the community policing model represents a concept that is more complex and difficult to grasp. There are four primary reasons for this:

- Programmatic Complexity – Police departments throughout the country have instituted a countless variety of programs and practices under the heading of community policing. There is no single definition or model.
- Multiple Effects – There is no specific intended effect that is supposed to result from community policing practices. For example, some say it is to reduce crime, while other say it is to create a closer bond with the community.
- Variation In Program Scope – Community policing may involve a wide variety of programs or specialty units that have no bearing on department-wide practices.
- Research Design Limitations – The countless studies that have been completed on the effects of community policing lack credibility due to the short-term nature of these studies and lack of any real control groups.[57]

Thus, it is very difficult to give a specific definition of community policing, much less identify the effectiveness of its practices and how well the concepts are being implemented in any given agency. Gary Cordner notes,

> Community policing remains many things to many people. A common refrain among proponents is 'Community policing is a philosophy, not a program.' An equally common refrain among police officers is, 'Just tell me what you want me to do differently.' Some critics, echoing concerns similar to those expressed by police officers, argue that if community policing is nothing more than a philosophy, it is merely an empty shell.[58]

> Robert Trojanowicz and Bonnie Bucqueroux view community policing as:

> …the first major reform in police departments since police departments embraced scientific management principles more than a half-century ago. It is now a dramatic change in the way police departments interact with the public, a new philosophy that broadens the police mission from a narrow focus on crime to a mandate that encourages the police to explore creative solutions for a host of community concerns, including crime, fear of crime, disorder, and neighborhood decay. Community Policing rests on the belief that only by working together can the people and the police be

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[56] Zhao, *Why Police Organizations Change*, 5.

[57] Dunham and Alpert, *Critical Issues in Policing,* 494.

[58] Ibid.

able to improve the quality of life in the community, with the police not only as enforcers, but also as advisors, facilitators, and supporters of new community-based, police supervised initiatives.[59]

A simpler definition has been offered by the Community Policing Consortium. They define community policing as, ". . . a collaborative effort between the police and the community that identifies problems of crime and disorder and involves all elements of the community in search of the solutions to these problems."[60] (The Community Policing Consortium was created by the Bureau of Justice Assistance and is comprised of representatives from the International Association of Chiefs of Police, the National Sheriff's Association, the National Organization of Black Law Enforcement Executives, the Police Executive Research Forum, and the Police Foundation.)

Many police executives in America have tried to implement community policing philosophies by creating programs such as foot patrol or bicycle patrol. In doing so, they have failed to truly institutionalize this model in their agencies. Of course, this renders illusive any true measure of the effectiveness of its practices. In fact, "Nearly all of the evaluations conducted to date have focused on the tactical dimension of community policing, leaving us with little or no information on the effects of philosophical, strategic, and organizational changes."[61]

It has been suggested by some that community policing represents an appropriate model to confront the homeland security issues posed by terrorism. For example, Matthew C. Scheider and Robert Chapman have stated that principles behind community policing – organizational change, problem solving, and external partnerships – enable police agencies to better deal with the threat of terrorist events and the fear they may create.[62]

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[59] Trojanowicz and Bucqueroux, *Community Policing – A Contemporary Perspective,* 3.

[60] Lorie Fridell and Mary Ann Wycoff, eds., *Community Policing – The Past, The Present, and The Future* (Washington, D.C.: The Anne E. Casey Foundation and the Police Executive Research Forum, November 2004), 3.

[61] Dunham and Alpert, *Critical Issues in Policing,* 507.

[62] Matthew C. Scheider and Robert Chapman, "Community Policing and Terrorism" (http://www.homelandsecurity.org/journal/articles/Scheider-Chapman.html) Viewed January 20, 2006.

The International Association of Chiefs of Police (IACP) has a Community Policing Committee. Annually, members of that committee review the community policing practices of agencies throughout the world, and presents awards to outstanding agencies. Recognizing the importance of community policing to homeland security, the committee created a new award in 2004 known as the Homeland Security Recognition Award. Along with the Community Policing Awards, it is presented annually at the IACP Convention.

A semi-annual meeting of this IACP committee was held in Itasca, Illinois, on June 24, 2005. During that meeting, there was a discussion of the workshop for the Community Policing Award winners that will be conducted at the annual convention in October 2005. It was decided that there was such a close connection between community policing and homeland security that the title of the 2005 workshop would be, "Communities Defending the Homeland: The Front Line is Now in Your Back Yard."[63]

However, not everyone agrees that community policing and homeland security are complementary. Willard M. Oliver, an associate professor of criminal justice at Sam Houston State University, wrote an article titled, "The Homeland Security Juggernaut: The End of the Community Policing Era?" In his article, he argues that the attacks of September 11, 2001, have ushered in a new era as community policing concepts and homeland security needs are simply inconsistent. ". . . Whether we like it or not, it is time to brace for a new era of policing, the era of Homeland Security."[64] Seattle Police Chief Gil Kerlikowske also sees an end to the Community Policing Era, but for different reasons. Acknowledging that community policing has made significant contributions to the law enforcement profession, the post 9/11 era has brought about decreasing revenues and increasing crime which have signaled the end of community policing in America.[65]

In a similar fashion, Darrel Stephens, Chief of the Charlotte-Mecklenburg Police Department stated,

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[63] IACP Community Policing Committee, minutes of June 24, 2005, meeting held in Itasca, Illinois.

[64] Willard M. Oliver, *The Homeland Security Juggernaut: The End of The Community Policing Era?* (Huntsville, Texas: Sam Houston State University, March/April 2004), 10.

[65] Gil Kerlikowske, *The End of Community Policing: Remembering the Lessons Learned* (Washington, D.C.: FBI Law Enforcement Bulletin, April 2004,) 6.

Following the tragic events of September 11, 2001, homeland security has emerged as a top national priority. . . . The sagging economy has reduced revenue streams at every level of government and has further depleted funding for criminal justice. Very few states do not have significant deficits that require increased taxes, reductions in expenditures, or both. These conditions create additional challenges to sustaining community problem-oriented policing.[66]

One thing is clear. The fragmented and disjointed manner in which police agencies have attempted to transition into the era of community policing was ineffective in preparing America's local law enforcement agencies to handle the homeland security threat posed by terrorism on September 11, 2001. The extraordinary thing about the attack on that day was that the 19 terrorists ". . . were preparing for their mission for months, leading normal lives with wives, taking the garbage out, taking their kids to McDonalds, taking flying lessons, living in comparatively pleasant places, all the while knowing that at some future date they were going to kill themselves and thousands of other people."[67]

The model of policing that was created to bring the police closer to the public they serve, and to give them a better understanding of problems in the community, failed to provide them with any suspicion about 19 people who were leading middle class lives in American communities and were planning the biggest terrorist attack in the history of the world. At least, the way in which many police agencies have adapted to the community policing model failed on that fateful day. America's police agencies are now entering a new era of change. This next era has not yet been defined, but the challenges that face law enforcement agencies are apparent. They must now cope with the traditional crime and disorder in their communities as well as find ways to cope with threats to public safety posed by terrorism. This next chapter proposes a policing model designed to meet that challenge. I have termed this model, "Enterprise Policing."

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[66] Fridell and Wycoff, *Community Policing,* 199.

[67] Hewitt, *Understanding Terrorism in America,* 2.

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IV. ENTERPRISE POLICING

In *"Forging America's New Normalcy,"* The Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction argued, "Officials at the Federal level should lead the development of an *enterprise architecture* to institutionalize intelligence and information sharing, risk assessments, better integrated planning and training, and effective requirements generation in close coordination with State and local governments and the private sector.."[68]   Local law enforcement agencies in America must do likewise in order to meet the strategic objectives posed by *The National Strategy for Homeland Security*:

- Prevent terrorist attacks within the United States;
- Reduce America's vulnerability to terrorism; and
- Minimize the damage and recover from attacks that do occur.[69]

A.   DEFINITION

The word "enterprise" suggests an industrious undertaking and a readiness to embark on new ventures.[70]   "Enterprise Policing" is a term developed to identify a policing style that embodies community policing as an organizational philosophy rather than a program. It includes interacting or networking in unprecedented ways with other law enforcement and government agencies, as well as community members, for the purpose of informal communication and mutual support. Under this policing style, the neighborhood policing teams of the future may very well resemble regional networks created for mutual assistance, to exchange information, and ensure community safety. In our information age, Enterprise Policing recognizes that police officers are only one component of a much larger network comprised of all types of people including police officers, businessmen, professionals, and others who are responsible for community policing.

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[68] Gilmore, FORGING AMERICA'S NEW NORMALCY, 7.

[69] Office of Homeland Security, *National Strategy For Homeland Security* (Washington, D.C.: U.S. Government Printing Office), vii.

[70] Denis Howe, *The Free On-Line Dictionary of Computing,* at [http://dictionary.reference.com/search?q=enterprise]. Viewed December 29, 2005.

Enterprise Policing is flexible and resilient. It is focused on prevention and preparedness as well as response and recovery. Unlike community policing, Enterprise Policing also involves the use of technology and training for the purpose of information sharing and the development of actionable intelligence. It is intended to address national and transnational policing issues as well as local concerns that may impact public safety in a community.

B.   INTELLIGENCE-LED POLICING

Of the objectives delineated in America's homeland security strategy, prevention is arguably the most important. If America was able to somehow prevent all terrorist attacks, the other two objectives would become moot. While that is simply not possible, there is still much that can be done to improve America's prevention efforts. The first component of the Enterprise Policing model is intelligence. "New security threats require new approaches to information collection, analysis, and dissemination. We no longer face only known enemies who operate almost entirely overseas. Although the terrorist threat is foreign, they operate all over the globe including, as we know so well since September 11, in this country."[71]

For law enforcement agencies, prevention begins with information collection, analysis, and dissemination. As noted in the *9/11 Commission Report,*

> The future challenges of America's intelligence agencies are daunting. They include the need to develop leading edge technologies that give our policy makers and warfighters a decisive edge in any conflict where the interests of the United States are vital. Not only does good intelligence win wars, but the best intelligence enables us to prevent them from happening altogether.[72]

Before examining how this applies to America's local law enforcement agencies, it is best to explain what intelligence is and what it is not. "Because of misuse, the word 'intelligence' means different things to different people. The most common mistake is to consider 'intelligence' as synonymous with 'information.' Information is not intelligence. Misuse has also led to the phrase 'collecting intelligence' instead of

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[71] Alexander Aleinikoff, et al., *Creating a Trusted Network For Homeland Security,* Working Group III (New York: Markel Foundation, 2003), 69.

[72] Kean et al, *The 9/11 Commission Report,* 419-420.

'collecting information.' Although intelligence may be collected by and shared with intelligence agencies and bureaus, field operations generally collect information (or data)."[73]

"Sherman Kent, an early theorist and practitioner of intelligence, defined intelligence as *knowledge,* as *organization,* and as *an activity.* This definition allowed him to describe the way intelligence services collect and analyze information, the finished intelligence product agencies provide to policy makers, and the way intelligence services are organized."[74] A more contemporary theorist, Mark M. Lowenthal, differentiates between information and intelligence: "Information is anything that can be learned, regardless of how it may be discovered. Intelligence refers to information that meets the stated or understood needs of policy makers and has been collected, refined, and narrowed to meet those needs. . . . All intelligence is information; not all information is intelligence."[75] "Despite the many definitions of 'intelligence' that have been promulgated over the years, the simplest and clearest of these is 'information plus analysis equals intelligence.'"[76]

The purpose of an intelligence process is to avoid surprise. The two most obvious examples of catastrophic surprises in America occurred on December 7, 1941, and September 11, 2001. The two events represent different types of intelligence failures. The attacks by the Japanese on December 7, 1941, were not completely unexpected. "A raid on Pearl Harbor was seen as equally likely in both the United States and Japan in the event of a war between the two countries."[77] This was an example of a strategic intelligence failure. In contrast, "The strikes against the World Trade Center and Pentagon were, quite literally, bolts out of the blue. The U.S. intelligence community

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[73] Marilyn Peterson, *Intelligence-Led Policing – The New Intelligence Architecture* (Washington, D.C.: U.S. Department of Justice, September 2005), 3.

[74]Loch K Johnson and James J. Wirtz, eds., *Strategic Intelligence – Windows Into a Secret World* (Los Angeles: Roxbury Publishing, 2004), 2.

[75] Mark M. Lowenthal, *Intelligence - From Secrets to Policy* (Washington, D.C.: CQ Press, 2003), 1-2.

[76] Peterson, *Intelligence-Led Policing,* 3.

[77] Dan Van Der Vat, *Pearl Harbor – The Day of Infamy* (New York: Basic Books, 2001), 19.

was caught completely off guard."[78]   This represented a tactical failure, not only by the intelligence community, but also by the government policy makers who failed to react to the growing terrorist threat against America during the 1990s.   They simply did not recognize the danger posed by the asymmetric operations of a group of non-state actors.[79] On the other hand,

> Al Qaeda grasped the implications and opportunities globalization offered. However, to benefit from it necessitated the creation of a networked-based terrorist organization that exploited the tools of the information age. And to secure its new global apparatus, al Qaeda employed the principles and methods of deception and denial typically found in intelligence tradecraft. In effect, UBL inspired a 'revolution in terrorist affairs.'[80]

America's law enforcement agencies must now find ways to improve their own intelligence capabilities to cope with this new threat. The creation of effective intelligence capabilities can support policy makers in their deployment of resources and serve as a foundation for crime prevention and homeland security efforts. The challenges facing law enforcement executives have been aptly delineated by University of Michigan Professor David L. Carter:

- Recognize that every law enforcement agency – regardless of size or location – has a stake in this global law enforcement intelligence initiative and, as such, must develop some form of an intelligence capacity in order to be an effective consumer of intelligence products.
- Develop a culture of collection among officers to most effectively gather information for use in the intelligence cycle.
- Operationally integrate Intelligence-Led Policing into the police organization.
- Recognize that increased information sharing at and between law enforcement agencies at all levels of government requires new commitments by law enforcement executives and managers.
- Increase information sharing, as appropriate, with the broader public safety and private security sectors.
- Protect data and records along with the rigid accountability of the intelligence function.
- Keep law enforcement intelligence and national security intelligence separate with respect to state and local officers on Joint Terrorism Task Forces.

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[78] Russell D. Howard and Reid L Sawyer, *Terrorism and Counterterrorism* (Guilford, Connecticut: McGraw-Hill/Dushkin, 2003), 383.

[79]Ibid., 368-371 and 447.

[80] Ibid., 384.

- Broaden the scrutiny of intelligence records and practices by civil rights groups.
- Routinely use intelligence to make better tactical and strategic decisions.
- Increase regionalization in all aspects of the intelligence function as an ongoing initiative of law enforcement agencies at all levels of government.
- Ensure that non-law enforcement government officials and the community understand what law enforcement intelligence is and the importance of their role in the intelligence function.[81]

The term "Intelligence-Led Policing" originated in Great Britain and appeared in a 1997 publication by the International Association of Law Enforcement Intelligence Analysts, Inc. In *Intelligence-Led Policing – International Perspectives on Policing in the 21st Century,* it was noted that, while the term lacked a single, overarching definition, it involved ". . . the collection and analysis of information to produce an intelligence end product designed to inform police decision making at both the tactical and the strategic levels. It is a model of policing in which intelligence serves as a guide to operations, rather than the reverse."[82]

In a September 2005 publication by the Bureau of Justice, intelligence-led policing was defined as ". . . a collaborative enterprise based on improved intelligence operations and community-oriented policing and problem solving, which the field has considered beneficial for many years. To implement intelligence-led policing, police organizations need to reevaluate their current policies, and protocols. Intelligence must be incorporated into the planning process to reflect community problems and issues. Intelligence sharing must become a policy, not an informal practice. Most important, must be contingent on quality analysis of data. The development of analytical techniques, training and technical assistance needs to be supported."[83]

In a 2000 report by the National Criminal Intelligence Service of the United Kingdom and other U.K. agencies, it was noted, "Intelligence has lagged behind in the investigation in the codification of best practice, professional knowledge, and in the

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[81] Carter, *Law Enforcement Intelligence,* xi.

[82] Angus Smith, ed., *Intelligence-Led Policing – International Perspectives on Policing in the 21st Century* (Lawrenceville, New Jersey: International Association of Law Enforcement Intelligence Analysts, Inc., September, 1997), 1.

[83]Peterson, *Intelligence-Led Policing,* vii.

identification of selection and training requirements of staff."[84]   The report, *National Intelligence Model,* proposed a model of policing that ensures information is researched and analyzed to enable police managers to:

- Provide strategic direction.
- Mark tactical resources allocation decisions.
- More effectively manage risk.[85]

In the United States, this concept of intelligence-led policing was discussed in a March 2002 summit on intelligence and information sharing, held by the International Association of Chiefs of Police.[86]   The benefits of community policing – order maintenance and problem – solving were recognized.   The need for intelligence-led policing was identified, given the nature of complex, multijurisdictional crimes and terrorism.   "The primary outgrowth of the summit was the creation of the Global Intelligence Working Group (GIWG), which comprises approximately 30 intelligence professionals.   GIWG met quarterly during 2003 and developed the *National Criminal Intelligence Sharing Plan (NCISP),* which was released and approved by the U.S. Attorney General in October 2003."[87]   In the *NCISP,* six steps are listed in the intelligence process: planning and direction, collection, processing/collation, analysis, dissemination, and reevaluation.   See Figure 1.[88]

Proper planning assures the effectiveness of the intelligence collection process. The collection of intelligence must be focused, and guidelines must be established that clearly prohibit any unlawful collection of information.[89]   It is absolutely critical that all information placed into the intelligence system is relevant to criminal activity pursuant to the federal guidelines as delineated in 28 C.F.R. Part 23.[90]   (See Appendix.)

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[84] National Criminal Intelligence Service, *National Intelligence Model* (United Kingdom: National Criminal Intelligence Service, 2000), 1.

[85] Ibid.

[86] David L. Carter, *The Law Enforcement Intelligence Function* (Washington, D.C.: Federal Bureau of Investigation, FBI Law Enforcement Bulletin, June 2005), 1.

[87] Peterson, *Intelligence-Led Policing,* 6.

[88] Ibid., 6.

[89] California Peace Officers' Association, *Criminal Intelligence Program for the Smaller Agency* (Sacramento, California: California Peace Officers Association, 1988), 4.

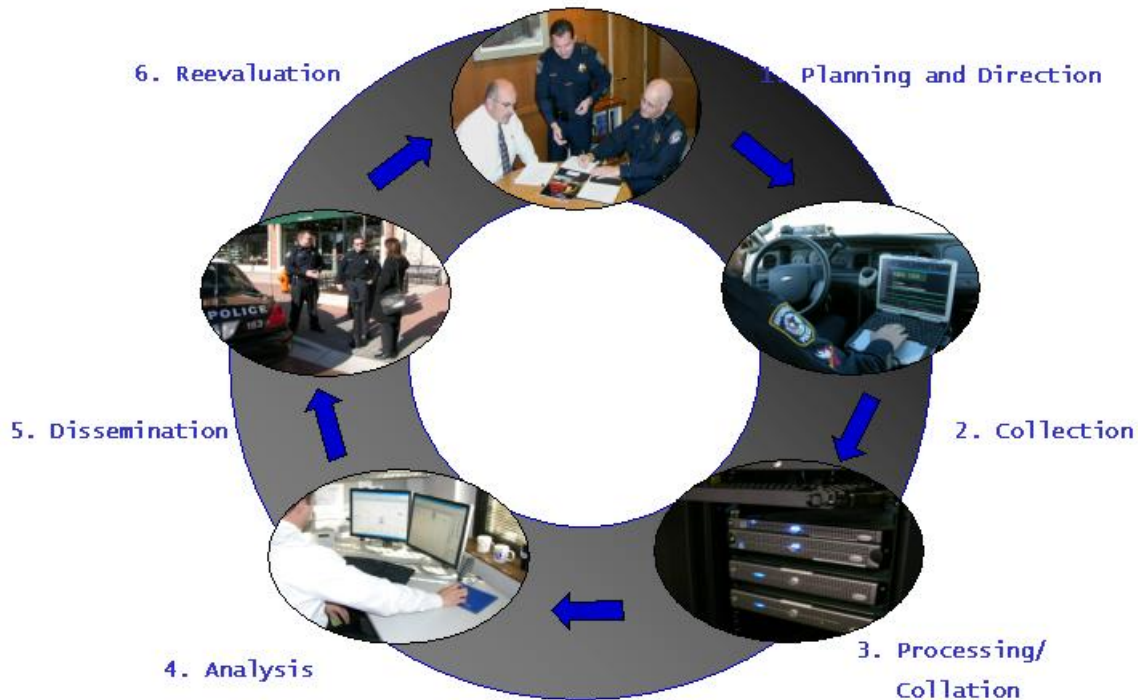[90] Peterson, *Intelligence-Led Policing,* 7.

Figure 1.   Six Steps of Intelligence Process

Data collection is typically a time-consuming process that can take several forms, including physical or electronic surveillance, the scanning of public records, and utilizing Internet resources. The quality of the data collected will ultimately determine the quality of the intelligence product. One of the difficulties police agencies may face, in both this process and the dissemination process, is that most of the available information technology is focused on the analysis or collation processes and does not address collection and dissemination. "This is often because the companies that produce the intelligence systems are different from those that produce other public safety systems. . . .

Unfortunately, this has led to isolated intelligence systems which do not effectively integrate with mainstream systems such as CAD, RMS, Fire, Mobile Data, and so on."[91]

"To deal effectively with the threat of domestic terrorism, the police must be able to manage and coordinate different sources of data and intelligence, and then process them in such a way as to provide an enhanced understanding of actual or potential criminal activity."[92] Data processing and collation involves sorting through large amounts of information that has been collected from a variety of sources, extracting the useful data and putting it into some form that is helpful to the end user.[93]

These are critical steps in the intelligence process. If no analysis is done, it can lead to a failure to connect the dots and important information will remain undiscovered. Twenty years ago, when the U.S. marine base in Beirut was bombed, so much intelligence about terrorist threats poured in that the marines stopped taking it seriously. The problem was not insufficient information, but rather a lack of analysis.[94] That same problem exists today, obviously on a different scale, in America's police departments. They have vast amounts of information in their automated records systems and their computer aided dispatch systems, but they do not have an effective method of analyzing all of the data available to them.

> The analysis required in an intelligence-led policing environment goes beyond that which has traditionally been practiced in most law enforcement agencies. It requires the exploitation of all pertinent information and the analyst must be prepared to go beyond traditional sources such as police files to other government and regulatory agencies, private databases, and open sources. The current proliferation of information sources through media like the Internet has increased the resources available to analysts by several orders of magnitude, meaning they must work to a much higher standard than was acceptable ten, or even, five years ago.[95]

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[91] Smith, *Intelligence-Led Policing,* 24.

[92] Robert Chapman, et al., *Local Law Enforcement Responds to Terrorism* (Washington, D.C.: U.S. Department of Justice, 2002), 2.

[93] Drexel E. Godfrey and Don R. Harris, *Basic Elements of Intelligence* (Washington, D.C.: U.S. Department of Justice, Law Enforcement Assistance Administration, 1971), 23.

[94] France Bouthillier and Kathleen Shearer, *Assessing Competitive Intelligence Software – A Guide to Evaluating CI Technology* (Medford, New Jersey: Information Today, Inc., 2003), xv.

[95] Smith, *Intelligence-Led Policing,* 3.

Several software applications are currently available to assist with this process. Many have robust search engines with data mining and social networking capabilities.

Dissemination requires that properly analyzed intelligence is sent to those who have the need and right to know. Intelligence that is not properly disseminated might as well be nonexistent.[96] Although there are specific reasons that some information must be kept confidential, every effort must be taken to get intelligence to those who need it. In the Enterprise Policing Model, the mantra is not, "Who has a need to know?" Rather, it is, "Who else has a need to know?"

"Reevaluation is the task of examining intelligence products to determine their effectiveness. Part of this assessment comes from the consumers of intelligence; that is, the managers, investigators, and officers to whom the intelligence is directed."[97] Requesting feedback from those to whom intelligence is disseminated is one of the best ways to accomplish this task.[98] The goal of reevaluation is increased precision of data collection and improved utility of intelligence products.

Effective processing of intelligence is an important component of Enterprise Policing. It is helpful for the reader to understand the history of law enforcement intelligence so that past errors are not repeated. Early attempts by police departments to create intelligence units date back to the 1920s when some agencies began keeping files on bootleggers and high-profile criminals such as Al Capone, Bonnie and Clyde, and others. By the 1940s, the Red Scare emerged in the United States and the police agencies turned their intelligence efforts into creating dossiers on suspected Communists and their sympathizers. Although the people included in what became known as "Red Files" had not committed any crimes and were merely exercising their constitutional rights to free speech, they were believed to be a national security threat.

During the 1960s, participants in the civil rights and anti-Vietnam War movements were regarded by some as threats to public safety. Police agencies responded by adding individual leaders of these groups to their dossiers. This would later prove to

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[96] Smith, *Intelligence-Led Policing,* 29.

[97] Peterson, *Intelligence-Led Policing,* 7.

[98] Godfrey and Harris, *Basic Elements of Intelligence,* 21.

be an error in judgment, as the claims that activists and protesters threatened public safety were largely unsupported. Misuse of the intelligence process led to mistrust of police agencies.

> There was additional concern during this time because of the activist nature of the U.S. Supreme Court during the era of Chief Justice Earl Warren (1953-1968). Many of the liberal decisions of the Warren Court were met with disfavor and the often-expressed belief that the Court's decisions were "handcuffing the police." (Among the most often cited are Miranda v. Arizona – police must advise arrestees of their fifth and sixth Amendment rights prior to a custodial interrogation; Mapp v. Ohio – applying the Exclusionary Rule to states; Gideon v. Wainwright – right to an appointed counsel; and Escobedo v. Illinois – right to counsel when the process shifts from investigatory to accusatory.) With regard to the current discussion, perhaps most important was that the Warren Court led a generation of judicial activism and expanded interpretations of the Constitution. Moreover, it symbiotically motivated activist attorneys from the 1960s to try new strategies for the protection of constitutional rights. Among the most successful was reliance on a little-used provision of the Civil Rights Act of 1871, codified as Title 42 of the U.S. Code, Section 1983, **Civil Action for Deprivation of Civil Rights.**

> Commonly referred to as 1983 suits, this provision essentially provides that anyone who, under color of state or local law, causes a person to be deprived of rights guaranteed by the U.S. Constitution or federal law may be civilly liable.[99]

Although these suits were initially used for various allegations of police misconduct, such as excessive force and due process violations, they began to focus on police intelligence units by the 1970s. The practice of keeping files on people who "might" commit a crime was deemed improper and police agencies had to pay for the damages to the plaintiffs in these cases. This resulted in significant cutbacks or removal of intelligence units in many American police departments.[100]

Obviously, the intelligence units of the past have no resemblance to the needs of today. There were no protocols for the types of information that could be collected, no analysis done, and no concern given to proper dissemination. The information certainly

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[99] Carter, *Law Enforcement Intelligence*, 22-23.

[100] Ibid., 24-25.

wasn't used for any sort of strategic purposes or for the investigation of complex, transnational issues that challenge today's police departments.

Currently, "Strategic analysis has not been widely adopted in the United States. Law enforcement agencies have been slow to use it with the exception of the Drug Enforcement Administration, the U.S. Marshall's Service, and a few others. Instead, American law enforcement has been primarily reactive; tied to responding to crimes that have already been committed. . . . Even in the community oriented policing model, proactive policing is seldom used."[101] The threat to public safety posed by terrorism simply does not allow for such a reactive approach.

"The terrorist attacks of September 11, 2001 revealed the life-and-death importance of enhancing U.S. intelligence operations. Since that day, a tremendous amount of attention has been focused on the need for constructing changes in law enforcement intelligence."[102] Although most of the efforts to reorganize the intelligence architecture in America have focused on federal agencies, there exists a corresponding need to address the same issues in local law enforcement agencies. Obviously, not all police departments in America are large enough to warrant a separate intelligence unit, but, at a minimum, all law enforcement agencies ". . . must have the ability to effectively consume the information and intelligence products being shared by a wide range of organizations at all levels of government. State, local, and tribal law enforcement will be most effective when a single source in every agency is the conduit of critical information. . . ."[103] Such a source is a requirement of the Enterprise Policing model.

In large, urban areas, this source could be a regional fusion center. In smaller cities, it may be a patrol sergeant who is assigned the task. "Hence, every law enforcement agency must have an understanding of its intelligence management capabilities regardless of its size or organizational structure."[104]

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[101] Marilyn B. Peterson, C.C.A., "Toward a Model for Intelligence-Led Policing in the United States," Working report, 2003, 4.

[102] Peterson, *Intelligence-Led Policing*, vii.

[103] Carter, *Law Enforcement Intelligence,* 2.

[104] Ibid., 2.

C.   NETWORKING

Closely related to the concept of information sharing is networking. This is not something that police agencies have done very well in the past. In fact, police officers are known more for keeping secrets than for sharing information. This sort of practice leads to what University of Houston Professor Steven A. Egger has termed "linkage blindness." In his research of serial murderers in America, Dr. Egger found that many clues are missed and many crimes go unsolved because the police investigators suffer from linkage blindness, a failure to share or coordinate investigative information and a lack of adequate networking among law enforcement officers in America.

Linkage blindness occurs for three reasons. One is because police officers simply do not want to share information with other police officers. Competition, jealousy, mistrust, and a desire to solve the big case all lead to their refusal to share with others. They will tell their spouses about a case; they will discuss it with their friends over a drink, but they will not tell another cop what they know.

The second reason linkage blindness occurs is because of the decentralized non-system of policing in America. The country is made up of thousands of police agencies that are concerned only with what happens within the boundaries of their local jurisdictions. The sharing of information across those boundaries is non-existent. The third reason is because most police departments lack the technology to properly analyze the data available to them so that it can be placed into some sort of a meaningful form for sharing.[105] The result is systematic myopia and it is clearly detrimental to the identification and solution of complex transnational crimes.

> The information revolution is altering the nature of conflict across the spectrum. Of the many reasons for this, we call attention to two in particular. First, the information revolution is favoring and strengthening network forms of organizations, often giving them an advantage over hierarchical forms. The rise of networks means that power is migrating to nonstate actors who are able to organize into sprawling, multi-organizational networks more readily than can traditional, hierarchical, state actors. Second, as the information revolution deepens, conflicts will increasingly depend on information and communications matters.[106]

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[105]Steven A. Egger, *Killers Among Us* (Upper Saddle River, New Jersey: Prentice Hall, 2nd ed., 2002), 251-258.

[106] Ian O. Lesser, et al, *Countering the New Terrorism* (Santa Monica: RAND, 1999), 45-46.

The Enterprise Policing model recognizes that "Governments that would defend against netwar may have to adopt organizational designs and strategies like those of their adversaries. This does not mean mirroring the adversary, but rather learning to draw on the same design principles of network forms in the information age. These principles depend to some extent upon technological innovation, but mainly on a willingness to innovate organizationally and doctrinally, and by building new mechanisms for interagency and multi-jurisdictional cooperation.

Whoever masters the network form first and best will gain major advantages. In these early decades of the information age, adversaries who have adopted networking (be they criminals, terrorists or peaceful social activists) are enjoying an increase in their power relative to state agencies."[107]

An imperative of Enterprise Policing is that departments develop cooperative relationships with community groups and with other agencies. Those relationships must include effective networking. In order to thrive in the post 9/11 era, intelligence sharing is critical. *The 9/11 Commission Report* has confirmed that, "There is a growing role for state and local law enforcement agencies. They need more training and work with federal agencies so that they can cooperate more effectively with those federal authorities in identifying terrorist suspects."[108] Such cooperative relationships will require police agencies to network with law enforcement and intelligence agencies in unprecedented ways. "The network designed for sharing information, and the work of the FBI through local Joint Terrorism Task Forces, should build a reciprocal relationship in which state and local agents understand what information they are looking for and, in return, receive some of the information being developed about what is happening, or may happen, in their communities."[109]

In many cases, Enterprise Policing will involve networking with agencies that did not even exist prior to September 11, 2001. Networking with the Joint Terrorism Task Force is one example. Others include The Homeland Security Department and statewide counter terrorism agencies that have been created since the 9/11 attacks. Members of the

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[107] Ian O. Lesser, et al, *Countering the New Terrorism,* 55.

[108] Kean, et al, *The 9/11 Commission Report,* 390.

[109] Carter, *Law Enforcement Intelligence,* 34.

intelligence unit in the Naperville, Illinois Police Department have developed networks with a wide variety of other intelligence and law enforcement agencies. The following chart clarifies what one agency has done. (See Figure 2.)

Figure 2.   Naperville Police Department Networks

Another example of networking can be found in a national police benchmarking survey. The Benchmark City Survey was originally designed in 1997 by a core group of police chiefs representing various sectors of the country. These chiefs led agencies that were somewhat similar in size and demographics. Most of the departments involved in the survey served communities with populations that ranged from approximately 100,000

to 250,000. These chiefs sought to establish a measurement tool to determine best practices and to help ensure that their departments were providing the best possible service to their communities.

The survey provides a wide range of comparative information about each of the departments. Each year since 1997, the Overland Park, Kansas Police Department has taken the lead in compiling the survey results and making them available at an annual chiefs' summit hosted by the participating agencies on a rotating basis. This is an excellent example of how police agencies can share information with each other about "what works." The 2004 Benchmark City Survey is 257 pages long and can be viewed online at: http://www.opkansas.org/_Res/Police_and_Fire/Police_Department/benchmark.cfm.

The idea of creating information networks goes beyond working with other law enforcement agencies. For most departments, it means developing new relationships with the corporations and businesses in their communities. David J. Rothkopf, CEO of Intellibridge Corporation explains the necessity for public-private networking as follows:

> Only a new kind of alliance can win the war on terrorism. This alliance will not be one between nations nor will it be bounded by a treaty. Instead, it will be unconventional, involve millions of disparate actors, and be guided by rules that will be constantly rewritten. It will be an alliance of a motley army of horizontal partnerships, with a non-traditional leadership structure. Its best troops will be regiments of geeks rather than the Special Forces that struck the first blows against the Taliban in Afghanistan. . . .
>
> The members of this fighting force are scientists and doctors, venture capitalists and corporate project managers – the private-sector army that is the United States' not-so-secret weapon and best hope. These unlikely warriors will provide the software, systems and analytical resources that will enable the United States to track terrorists.[110]

Developing alliances and networks with private-sector agencies is mandatory for the Enterprise Policing agency. Police agencies that fail in their efforts to develop networks and information sharing capabilities with other government and private-sector agencies might find themselves suffering from linkage blindness. The lack of networking and information sharing can result in failure to predict terrorist activity.

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[110] Russell D. Howard and Reid L. Sawyer, *Terrorism and Counterterrorism – Understanding the New Security Environment* (Guilford, Connecticut: McGraw-Hill/Dushkin, 2002), 543.

D. NEW ADAPTATIONS OF COMMUNITY POLICING

Some suggest that the community policing era is over and others have even stated that the precepts of community policing are inconsistent with what is going to be required in the homeland security era. The concerns mentioned about the future of community policing are valid. However, community policing did not fail on September 11, 2001. The manner in which it has been adopted by many agencies failed, and that failure threatens the very future of community policing:

> This threat has nothing to do with budgets, unions, politicians, reticent officers or citizens, drug wars, or terrorism. It is a much less engaging issue than any of these concerns, in part because it is virtually invisible. Even when the culprit is detected, it is hard to make headlines from material as dry as 'the failure to complete the implementation process.' And yet the failure to institutionalize changes that represent commitments to community policing is a killer as deadly as it is silent. The murder will be committed so stealthily that it will remain undetected long after the corpse of community policing is tossed – without benefit of a memorial service – onto the large bone pile of splendid but decaying new ideas. Chiefs may still proclaim that their organizations are community policing organizations even though the newest officers may have no idea what that means. Unless it is institutionalized, community policing can slip unobserved into history.[111]

In the proposed Enterprise Policing model, community policing is not only consistent with homeland security needs, it is a requirement. The precepts of a strong, institutionalized community policing model form the very foundation of Enterprise Policing. Former Arlington County Police Chief Edward A. Flynn was among the first responders to the attack on the Pentagon on September 11. He has stated, "Community policing is now more important than ever. After September 11, 2001, homeland security issues (preparing and responding to terrorist acts as well as community stabilization) became law enforcement's primary focus. Although terrorists may 'think globally,' they 'act locally. . . .' Through the many briefings on resource allocations, new technologies, interoperability, and other plans to counter the new terrorist threats, I remain convinced that one of the greatest weapons against terrorists is community policing."[112]

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[111] Fridell and Wycoff, *Community Policing,* 210.

[112] Ibid., 33.

During the previously mentioned 2002 intelligence summit that was hosted by the International Association of Chiefs of Police, a national strategy for improving intelligence gathering was outlined. "It discusses how community policing initiatives can aid in the gathering of locally driven intelligence. Line officers, closer to the community and with more immediate access to information than others, can help gather intelligence data needed to disrupt terrorists' preparations. The summit report discusses how thousands of communities policing officers have been building close and productive relationships with citizens – relationships directly related to information and intelligence sharing. Consequently, rather than undermining community policing, the current and urgent need for timely and accurate threat information becomes a natural integrator by taking advantage of mechanisms already in place."[113]

This view is reinforced by retired chief of police and director of the New Hampshire Police Standards and Training Council, Earl M. Sweeney, who views the local patrol officer as an untapped source of intelligence on terrorists and potential terrorist acts. "While conducting their daily activities, such as foot, vehicle, and bicycle patrol; community policing efforts; traffic stops; accident investigations; and answering routine calls for service, these officers are already accepted by their communities and, therefore, can become America's intelligence on the ground."[114]

Writing for the John Fitzgerald Kennedy School of Government, Darrel W. Stephens and Francis X. Hartmann cite " . . . the value of developing relationships with stakeholder groups that are potential targets of terrorist acts while also engaging citizens in activities that deter criminal acts and decrease fear. These relationships evolve from a foundation of problem-solving partnerships that have been the life-blood of community policing's prevention orientation."[115] One of eight recommendations by Stephens and Hartmann was to use community policing skills to help departments rethink the meaning of the threat of terrorism for local law enforcement. Community policing must evolve in response to changes in the current environment, in which terrorism is a constant threat.

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[113] Fridell and Wycoff, *Community Policing,* 186.

[114] Earl M.Sweeney, *The Patrol Officer – America's Intelligence on the Ground* (Washington, D.C.: FBI Law Enforcement Bulletin, September 2005), 15.

[115] Fridell and Wycoff, *Community Policing,* 186.

Local agencies must be resilient and enterprising in adapting response mechanisms. In addition, training programs must evolve to increase awareness of issues critical to homeland security.

True community policing that is not just a superficial public relations program can be the critical foundation of an enterprise policing model. Adaptations of community policing for the new model include creations of partnerships with the Muslim community. On September 10, 2005, I interviewed Kareem Irfan, a prominent national spokesman for the Islamic community. The following is a summary of that interview.

In 1980, Kareem Irfan was a senior engineering student in a university in his native homeland of India. He had no idea that his future would bring meetings with American police chiefs, high ranking officials from the Federal Bureau of Investigation, and officials from the State Department of the United States of America. His father had made several trips to the United States and became aware of the opportunities available for his family, including advanced education for Kareem. In 1981, he convinced his family to migrate and Kareem found himself in the Chicago area. He quickly enrolled in the University of Illinois and began working on a master's degree in computer engineering; his goal was a career with IBM.

During the mid-1980s, a court decision was handed down enabling patents to be placed on computer software. As a result of that decision, a Chicago law firm saw a need for lawyers who had knowledge of computer engineering. Mr. Irfan and other engineering students were recruited by the firm to obtain law degrees. Mr. Irfan accepted the challenge and received a law degree from DePaul University in 1989. He became a lawyer and an assistant general counsel for a multi-national company. His expertise and education made him well suited for future challenges.

During his childhood, Mr. Irfan's father instilled in him the importance of giving to others. His father's words, "Anyone can make a living for himself. You must live to provide for others," compelled Mr. Irfan to join the Council of Islamic Organizations of Greater Chicago (CIOGC). The CIOGC is an active and highly functional umbrella organization representing over 400,000 Muslims who are members of approximately 90 different mosques, Islamic organizations, schools, and civil rights groups in the Chicago

region.   Initially, Mr. Irfan assisted members of the organization with various legal issues, such as the drafting of wills. He also found that racism by police against Muslims was perceived as a common issue and he began speaking out against it.

On January 5, 2001, Mr. Irfan became the youngest person ever to be elected as chairman of the CIOGC. In that role, he became concerned about the increasing tension between Muslim communities and federal agencies. He began communicating with the government in an attempt to dissipate misunderstandings. His mission changed abruptly on the morning of September 11, 2001. There was an immediate backlash against the Muslim community. In an appeal for calm, Mr. Irfan took the next two weeks off, denouncing terrorism, speaking out on radio talk shows, and drafting a newsletter explaining that extremist terrorists did not represent mainstream Muslim views.

September 11, 2001, created a new interdependence between law enforcement and the Muslim, Arab, and Sikh communities in America. The communities needed law enforcement's protection against a surge of hate crimes and backlash violence. Likewise, law enforcement needed the trust of these communities and their cooperation to prevent another terrorist attack and to protect them from hate crimes and backlash violence.

Two events that followed would impact on police-community relations. The first event was the government closure and asset seizure of three major Islamic charities. Two of those charities were based in the Chicago area and their assets were seized during the last days of Ramadan. This was immediately following the annual obligatory donations to charities made by area Muslims. The government actions against the charitable organizations and the timing of those actions served to drive a further wedge between the government and the Islamic communities at a time when they needed each other the most. The national preeminence of these charities, the seemingly new investigative and legal techniques used to shut them down, the inability or unwillingness of authorities to publicly share incriminating evidence, and the obligation of all practicing Muslims to give to charity, all served to heighten fear and concern in the Muslim community throughout America

The second event came just a few months after September 11, when the Department of Justice announced, ". . . a new role for local police agencies: helping

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federal agents to identify and question large numbers of non-criminal immigrants. The department did not suspect the immigrants – all young men from Middle Eastern countries – of terrorism. In fact, it did not suspect them of any crime at all. Rather, given their demographic similarity to the September 11 hijackers, the department thought that the men might know something – even things they did not realize were important – that might produce leads or otherwise assist in preventing and investigating terrorism."[116] This request from the Justice Department troubled not only the immigrant groups, but also many in the local law enforcement community who realized the negative impact such actions could have on police-immigrant relations. This questioning resulted in little, if any, actionable intelligence. In fact, it had the unintended consequences of breaking down trust between the Islamic community and law enforcement.

In addition to his position on the CIOGC, Mr. Irfan is a member of the National Board of the Islamic Society of North America. Kareem had spent much of his time immediately following the September 11 attacks working with the media to help counter any negative perceptions of Islam or the Chicago area Muslim community. He followed up those efforts by contacting the special agent in charge of the Chicago office of the FBI, the superintendent of the Chicago police department, numerous other police leaders in the Chicago area, the director of the Police Executive Research Forum, and chief executive members of Fortune 500 companies. He has also been to Washington DC to address the State department about the erosion of civil rights in the Islamic community. He feels passionately that government and the community must have a symbiotic, not an antagonistic relationship and has taken many positives steps to achieve that goal.

Mr. Irfan has written articles for the Police Executive Research Forum. His most recent endeavor has been the creation of a brochure that has been disseminated nationally by the Islamic Society of North America. *Against Terrorism and Religious Extremism: Muslim Position and Responsibilities* can be downloaded and viewed at www.balancedislam.org. This brochure was designed to clarify a few key issues regarding terrorism and Islamic beliefs. It includes an unequivocal condemnation of terrorism by stating, "Islam strictly condemns religious extremism and the use of violence against innocent lives. There is no justification in Islam for extremism or

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[116] David H. Harris, *Good Cops* (New York: The New Press, 2005), 9.

terrorism." Mr. Irfan clearly recognizes the need for a symbiotic rather than an antagonistic relationship between law enforcement and the Muslim community.[117]

It is important to remember that, "American Muslims not only become citizens – they become good citizens. Despite the assimilation hurdles that face every new group of immigrants, our Muslims have opportunities and hope. A disaffected few make headlines, but American Muslims overwhelmingly support their new country and do not wish it harm. They see no contradiction between faith in their god and faith in America. Our worries are their worries and their dreams are our dreams."[118]

Enterprise Policing is designed to address the concerns of Kareem Irfan and others in the Muslim community, as well as other crucial issues such as fear management. The management of fear generated by terrorism in the community can be very different and far more difficult than helping communities cope with the fear of crime. The reaction of Americans throughout the country to the attacks of 9/11 is a testament to just how great the impact of terrorism can be. Immediately after the attacks, a tremendous negative impact on the American economy resulted from people who refused to fly on airplanes and lead what had been normal lives. It is important for the police executive to understand how this fear is fueled and what steps can be taken to alleviate it.

Dr. James Breckenridge and Dr. Philip Zimbardo have noted that the media in America typically focuses on negative stories that generate fear in the minds of the public. Such reporting by the media plays very well with terrorists, whose goal is to spread fear and intimidate far beyond the immediate target of an attack. "Terrorists appear to have a keen, intuitive appreciation of psychological mechanisms that spread the effects of terror well beyond primary victims and amplify the perception of risk and vulnerability far out of proportion to reasonable probabilities. Modern terrorism is necessarily mass-mediated political violence, and the media plays a critical role in facilitating the psychological processes that intensify the publics' fears and apprehensions."[119]

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[117] Kareem Irfan, interview by David Dial on September 10, 2005.

[118] Ralph Peters, *New Glory* (New York: Penguin Group, 2005), 158.

[119] James N. Breckenridge and Philip G. Zimbardo, "The Strategy of Terrorism and the Psychology of Mass Mediated Fear" (working paper, Stanford University, 2005), 2.

Bruce Hoffman echoes this view. "The modern news media as the principal conduit of information about such acts thus play a vital part in the terrorists' calculus. Indeed, without the media's coverage the act's impact is arguably wasted, remaining narrowly confined to the immediate victim(s) of the attack rather than reaching the wider 'target audience' at whom the terrorists' violence is actually aimed."[120] In a stinging example of the media's capitulation to the terrorists, Hoffman wrote this about the coverage of the 1985 hijacking of TWA flight 847, "The cloying and meretricious content of the reporting was clearly revealed in a contemporary *Washington Post* article. 'In the race for on-the-air scoops, which ABC-TV News seems to have won to date,' it began, 'the interview Friday morning between anchorman [news presenter] Dan Rather of "CBS Evening News" and TWA flight 847's hostage media star, Allyn Conwell, was distinctive.' In possibly the most egregious perversion of news reporting during this episode, the 'news presenters' rather than the 'news makers' became the story!"[121]

In *New Glory,* Ralph Peters explains the issues with the media as follows: "The media can no longer sustain their pretenses of being aloof, objective observers dispassionately recording events. The media are combatants. Their cameras may not slay directly, but their reporting can now change the outcome of battles and alter the course of campaigns . . . Our own media's capacity to damage our struggle for freedom and security lies in their appetite for sensation, their lack of context, and their partisanship."[122]

From a law enforcement perspective, the disproportionate fear that is created in the minds of the public can be counterproductive to public safety. That fear, coupled with a cynical distrust of government can hamper compliance with security instructions during a time of crisis. Moreover, public fear generated by the mass-media can lead to misguided policy priorities. Since government actions frequently coincide with public opinion polls that can be driven by disproportionate fear, the resultant government policy may not be the most effective to ensure public safety. For example, the overwhelming response to the September 11, 2001 attacks has been the creation of an airline passenger

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[120] Hoffman, 132.

[121] Ibid., 133.

[122] Peters, *New Glory,* 49.

screening program. Yet, there have been only eight terrorist attacks on airplanes (including the September 11 attacks) that have resulted in deaths to Americans during the last 35 years. [123]

Another concern for police is the portrayal of terrorists as "madmen." There are two issues with such a portrayal. First, such a portrayal only adds fuel to the flame of fear and second, it is simply not accurate. "Terrorists are not irrational. Some of them, however, operate in an introverted, closed universe and may have a high tolerance for what an outsider would see as drastic conflicts between their professed beliefs about the world and obvious facts."[124]

An effective and appropriate law enforcement response to this problem can be challenging. Police managers must recognize that "Mass media's preference for controversy over scientific subtleties and careful exposition of risks can not only elevate the publics' sense of danger and vulnerability, it can limit the publics' understanding of the enemy."[125] Breckenridge and Zimbardo offer these common sense suggestions:

- Provide full information that speaks to local concerns. This includes stressing realistic probabilities along with risk alerts.
- Plan for realistic psychological reactions. This means that efforts should be directed toward planning for probable scenarios rather than unlikely events.
- Stress preparation and training. This is an area where law enforcement has an opportunity to generate public trust and mitigate public fear. Pre-event activities that include simulations and exercises that test response capabilities can be used to educate the public and to enlist their support.
- Use scientifically credible risk communication. This provides another opportunity for police to garner public trust and to create positive relations with the media. Care must be taken not to place any sort of political spin or to obscure information in any way. Providing accurate, well thought out information can create the ever important public trust in the competency of government.
- Exercise particular care with warnings. Warnings should be coupled with implicit information about government preparedness as well as detailed instructions for concerned citizens.
- Anticipate the needs of special populations. Some members of the public, such as children or certain ethnic groups, may have vulnerabilities that are specific to them. Pre-planned school disaster response plans and response plans

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[123]Breckenridge and Zimbardo, "The Strategy of Terrorism," 5-6.

[124] Davis and Jenkins, *Deterrence &Inluence in Counterterrorism,* 5.

[125]Breckenridge and Zimbardo, "The Strategy of Terrorism," 24.

for mosques and synagogues are examples of things that can be done to minimize fear in these groups.

- Take advantage of technological communication resources. Internet resources can be utilized to rebut misinformation and urban legends that may be passed around.[126]

Although difficult to implement, fear management practices can be more easily addressed in communities that have close ties with their police departments than in those that do not. The Enterprise Policing model mandates such a relationship between the police department and the community.

E. TECHNOLOGY

Interoperable data sharing and communications systems represent critical technology needs for most police departments.

> The lack of interoperability is a serious, pressing public safety problem that severely undermines the capacities of law enforcement, firefighters, and other first responders to respond to and manage emergency situations. The tragic events of September 11, 2001, focused attention on the urgent need for public safety and other agencies to communicate reliably and effectively with each other when called upon in a crisis.

> There are five challenges public officials must address to achieve interoperability:

> 1. Incompatible and aging communications equipment;

> 2. Limited and fragmented funding;

> 3. Limited and fragmented planning;

> 4. Lack of coordination and cooperation; and

> 5. Limited and fragmented radio spectrum.[127]

Currently, there are gang files, terrorism "watch lists," and drug data bases maintained by many states that cannot be shared with other states. "In addition, there are deficiencies in the communications systems used by municipalities throughout the country. If an attack were to occur today, most state and local first responders would not be using compatible communications equipment. . . . This lack of interoperability was

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[126] Breckenridge and Zimbardo, "The Strategy of Terrorism, 28-32.

[127] Erin Lee, *Strategies for States to Achieve Public Safety Wireless Interoperability* (Washington, D.C.: NGA Center for Best Practices, 2003), 1.

evident many times over the last decade – during the 1993 World Trade Center bombing, the 1995 Oklahoma City bombing, the 1999 Columbine school shootings, and the September 11 attacks."[128]

Developing an interoperable communications system can be a difficult and expensive challenge for any police administrator. To be successful, the hiring of a consultant and joint planning and purchasing with other agencies is frequently necessary.

> In radio communications, interoperability is the complex problem of unifying legacy systems spread across frequency bands and myriad geographic locations, each of which uses unique operating procedures. Many public safety organizations have begun to coordinate with each other to ensure compatibility in hardware purchases, the use of radio-frequency spectrums, and operational planning. Standards are also in place to decrease the number of unique, proprietary solutions.[129]

SAFECOM can be a source of significant help to any agency considering an interoperability project. SAFECOM is a national program, managed by the Department of Homeland Security, which oversees all public safety communications and interoperability projects. SAFECOM promotes coordination and cooperation between different agencies and across all levels of government. To illustrate this, SAFECOM has developed an Interoperability Continuum that consists of five interdependent elements:

1. Governance.
2. Standard Operating Procedures.
3. Technology.
4. Training and Exercises.
5. Usage.

Progress along all five elements should be considered simultaneously.[130] A template demonstrating how this continuum can be used was developed by SAFECOM and can be viewed on line at www.safecomprogram.gov.

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[128] Office of Homeland Security, *National Strategy* 56.

[129] H. Gilbert Miller, et al., "Toward Interoperable First Response," *IT Professional* (Washington, D.C.: IEEE Computer Society, January/February 2005), 13.

[130] Interoperable Communications, SAFECOM Program, Department of Homeland Security at [http://www.safecomprogram.gov.] Viewed November 26, 2005.

Technology alone will not solve the interoperability problem. Any interoperable architecture and the National Incident Management System (NIMS) must be clearly linked. The system development and NIMS protocols require training, standard operating procedures, and governance. Networking with other agencies is crucial to any interoperable system. For example, whenever communications system changes are made, it is critical to involve other agencies throughout the region to ensure success of any interoperable effort. Joint training exercises must be conducted. The contrast between agencies that form networks and those that do not is obvious in the following quote:

> On September 11, 2001, the Arlington County, Virginia, Emergency Communications Center (ECC) requested the response and assistance of 50 local, state, and federal public-safety agencies by invoking two preestablished mutual aid plans. Because of these prior interagency operational agreements, responders from one jurisdiction were able to operate on other public-safety radio systems. . . . In contrast, to the World Trade Center response, where little or no event planning had taken place, the relative success of the Pentagon response was due in large part to interagency planning and agreements. [131]

F.   TRAINING

The acquisition of new technology brings with it the need for additional training. A key element in the evolution of community policing to the Enterprise Policing model is training. ". . . There is a need to ensure that all police personnel – including line personnel, executives, and policy makers – receive necessary training to make certain they have the tools to effectively respond. Key areas of need have recently surfaced, such as conducting threat assessments, identifying people who may be involved in terrorist activities, and technology and information management."[132]

The institutionalization of community policing begins with training and leader commitment. Currently, community policing training is conducted at academies and seminars as though it were some sort of a specialized skill that officers should have, like criminal investigation and traffic enforcement. Then, to implement this style of policing, departments respond by creating community policing units or identifying certain officers

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[131] Miller, "Toward Interoperable," 15.

[132] Ibid, 10.

as community policing officers within their departments. This typically results when a police chief sees community policing as a program rather than a philosophy. Whenever anything new is implemented in the department such as a police bicycle program, the chief proudly boasts to the citizens that his department is "community policing." Quite simply, such practices impair the effectiveness of the partnerships and limit the possibilities of what can be accomplished by an agency that truly instills community policing concepts in all of its employees as the way to conduct business.

There are ways to better guide agencies and enable them to become more effective in this model. The RAND Public Safety and Justice unit has conducted research into the training problems currently faced by the Los Angeles Police Department and has made recommendations for change that hold promise for other police departments throughout our country. In the LAPD study, RAND noted that currently, leadership and vision are lacking; there is no coherency to training messages, and there is no consistency in implementation. The study went on the note, "Initial classroom observations indicated an absence of a unifying theme for officer development. Focus group sessions with probationers, field training officers and other personnel corroborated this finding. Finally, individual interviews pointed to a struggle in developing a consistent leadership vision for the Department (partly, and understandably, due to administrative changes). That the LAPD does not communicate a unified message creates a dangerous vacuum that individual officers fill with their own interpretations of proper behavior."[133] The same can be said about many police agencies throughout our country.

Officers need to receive a consistent message from the training, especially now that terrorism is a threat. They must understand their role as community leaders and representatives of the government. They must be taught to realize the very critical importance of engendering trust and respect from the communities they serve, and they must also realize that they are a crucial element in the prevention of terrorism as well as traditional crime. They cannot effectively meet their responsibilities without receiving critical information that comes from their daily contacts with citizens. Police officers who do not have good relationships with their communities will not garner the information necessary to be effective.

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[133] David W. Brannan, et al., *Training the 21st Century Police Officer* (Santa Monica: RAND, 2003), 4.

The study recommends that the future training of police officers be directed toward the development of "professionals." Training that includes clear direction regarding the values and standards of the department will result in strong common bonds and a shared sense of social responsibility. Officers will have a corporate identity and will be more likely to elicit and share critical information.[134]

The community policing philosophy must be imbued in each officer. A keen understanding of diversity awareness is also necessary.[135] Once they become more competent in this area, they will find that they are more proficient in their role as crime fighters. The partnerships that form as a result of better communication with a diverse population may result in the development of relevant information about possible terrorist sleeper cells.

Finally, the officers must glean expertise in the area of coercion. Political scientist William Ker Muir noted, ". . . that good police officers are masters of legal coercion: the art and science of marshaling the authority of their office and their own personal powers to get other people to behave in ways the police define as appropriate."[136] Police officers who are skillful at coercion will instill trust in their communities. That community trust will extend to their departments and the law enforcement profession. Conversely, officers who fail in this arena discredit themselves and drive a wedge between their organizations and their partners in crime prevention, their communities

Community policing should be taught as an organizational value, like integrity, rather than a skill, like criminal investigations. By synchronizing the current "stovepipe" method of training, i.e. 16 hours of search and seizure, 24 hours of community policing, and 32 hours of use of force into a value based training program that leads to the development of police professionals, police departments can become even more effective dealing with traditional crime and in the development of sources who can provide valuable information in the prevention of terrorism. A value based training program lead

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[134] Brannan, et al., *Training the 21st Century,* 37.

[135] Ibid., 91.

[136] Ibid., 119.

to significant improvements in law enforcement's human intelligence capabilities and networking efforts. This establishes the framework of the Enterprise Policing model.

G.   RESILIENCY

On March 17, 2000, lightning struck an industrial building in New Mexico and started a small fire, which was quickly extinguished by fire units. There were no injuries and, at first, the damage seemed insignificant. However, it was soon disclosed that the building was a semiconductor fabrication plant and that it was required to be absolutely clean since even the smallest spec of soot could ruin the delicate microscopic circuits inside. To make matters worse, it was learned that smoke had spread throughout the facility, damaging millions of microchips produced for shipment to Nokia in Finland and Ericcson in Amsterdam.

Representatives of both Nokia and Ericcson were immediately notified of the fire and advised that it would probably result in about a one-week delay in shipment. Although it was not initially viewed as a significant issue, the Nokia representative immediately passed this news along to others in his organization and Nokia responded by sending two engineers to New Mexico to assist in the recovery effort. Within the next two weeks, Nokia learned that the plant restoration efforts would take several weeks and that the microchip production schedule would be delayed by several months.

Realizing that the disrupted supplies would delay the production of millions of cell phones, Nokia sent 30 officials throughout Europe, Asia and the United States to get commitments for the delivery of the microchips. As a result of Nokia's outstanding internal communications, quick response, and collaboration with others, they were able to continue supplying cell phones to their customers.

The story was quite different at Ericcson. When the initial phone call about the fire was received by an Ericcson representative, the news was received as a minor problem and was not communicated to any of the company bosses. By the time the seriousness of the problem was understood, Nokia already had commitments for all of the other available cell phone microchips. As a result of Ericcson's inability to acquire the necessary parts to produce cell phones, they lost millions of customers and, within one year, Ericcson was forced to give up a significant part of its company and go into a joint venture with Sony.

Although Nokia and Ericcson were both faced with the same catastrophic disruption, Nokia's culture of organizational communication, immediate action, and collaborative efforts with others helped them recover and Ericcson's idleness resulted in a loss of a portion of their company.[137]

The importance of building an organizational culture that encourages effective communications is another significant part of Enterprise Policing. Another significant aspect of organizational resiliency is detecting disruptions. The following is an example of when that did not occur.

> In the case of 9/11, there is no single identifiable moment one can point to and say "this is when the U.S. government knew about the terrorist attacks." Instead, all that can be said is that different parts of the government knew different facts at different times and only after accumulation enough facts did enough of the government know enough information about the events to take action. In fact, when told of the attack on the morning of 9/11, U.S. president George W. Bush did not immediately internalize the meaning of the news and famously kept reading stories to children for seven more minutes.

> Even before the attack itself, and regardless of all of the events that were its precursors, the U.S. 9/11 commission has found out that the U.S. Federal Aviation Administration officials received 52 warnings prior to September 11, 2001, from their own security experts about potential al-Qaida attacks, including some that mentioned airline hijackings or suicide attacks. The report comments that aviation officials were "lulled into a false sense of security" and "intelligence that indicated a real and growing threat leading up to 9/11 did not stimulate significant increases in security procedures." In other words, the FAA officials did not internalize the warnings.[138]

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[137] Yossi Sheffi, *The Resilient Enterprise* (Cambridge, Massachusetts: The MIT Press, 2005), 3-10.

[138] Ibid., 262.

H. STRATEGY CANVAS

A strategy canvas is a graph that depicts an analytical comparison of organizational strategies.[139] The following strategy canvas compares community policing with those of Enterprise Policing to provide the reader with a quick view of these two models. The horizontal axis captures the six strategic factors being compared and the vertical axis captures the relative state of how the two policing models implement these strategies.
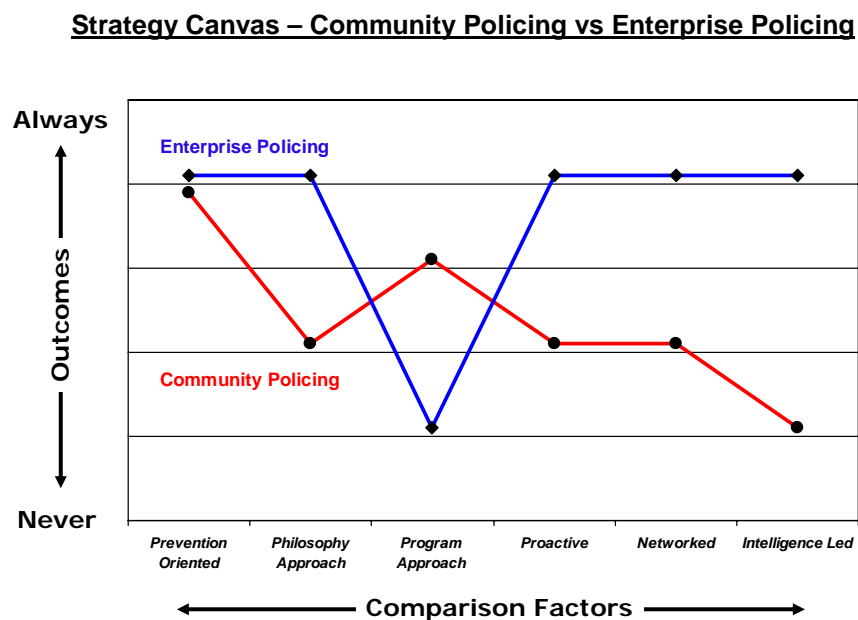
Strategy Canvas – Community Policing vs Enterprise Policing

Figure 3.   Strategy Canvas – Community Policing vs. Enterprise Policing

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[139] W. Chan Kim and Renee Mauborgne, *Blue Ocean Strategy* (Boston, Massachusetts: Harvard Business School Publishing Corporation, 2005), 25-26.

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V. CONCLUSION

Now, perhaps more than anytime in its history, America needs competent law enforcement agencies with sophisticated crime fighting capabilities. Transnational crime and terrorism threaten the American lifestyle and, to some extent, our existence. This thesis has explored the new role for American police agencies that has been created by the events of September 11. An evolution from a community policing environment to a model identified as Enterprise Policing has been proposed as an effective way for police agencies to meet the challenges they currently face. To meet those challenges, police chiefs throughout the country are being faced with the need to change their organizations in significant ways.

> Whether they have adopted the concepts of Homeland Security by force (e.g., New York City; Arlington County, Virginia; Washington, D.C.), by local circumstances (e.g., San Francisco, Chicago, Houston), by lure of grant dollars (e.g., City of Pine Bluff Police Department, Arkansas; Town of Kittery Police Department, Maine; Casper Police Department, WY), by state directive, or simply by local government and citizen demand, police agencies are beginning to wrestle with what Homeland Security means to their particular agencies. As one author has stated, "What is the role of state and local law enforcement in a post-September 11 environment?"[140]

Some of the changes suggested will cost money and may take a period of years to complete. Many, such as the development of interoperable communications systems will require coordination and support from other agencies. Others may require a significant paradigm change from current practices in police agencies.

One change that requires immediate attention is improvement in the exchange of information between officers within the same agency and between different law enforcement agencies. The sad part about this recommendation is that it is far from new. In fact, inter-organizational relations between criminal justice agencies were identified as important policy issues in three separate national commission reports during the 1960s and 1970s:

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[140]Willard M. Oliver, "The Era of Homeland Security: September 11, 2001 to . . .," *Crime & Justice International* (Office of International Criminal Justice: March/April 2005), 9.

- In 1967, the President's Commission on Law Enforcement and the Administration of Justice recommended more cooperation between agencies at the local level.
- In 1969, the National Commission of the Cause and Prevention of Violence called for local jurisdictions to establish criminal justice coordinating councils.
- In 1973, the National Advisory Commission on Criminal Justice Standards and Goals acclaimed those local areas that had adopted local criminal justice councils, and then further recommended that all major metropolitan areas consider adopting this criminal justice linkage model.[141]

Two flagrant examples of law enforcement's failure to share information between agencies were cited by Dr. Egger as examples of linkage blindness:

> The Bundy and Lucas cases provide some examples of local and state agencies not sharing information or assisting on another. In the Bundy case, there were numerous examples of sharing across local and state jurisdictions. However, there were at least two instances of a refusal to share information, seek assistance from another agency, or cooperate with an investigation. The Lucas case illustrates the lack of sharing or coordination on a large scale, across numerous state as well as local jurisdictions. The difference here is that no patterns were identified to require interagency or interstate cooperation. However, the lack of such cooperation or a mechanism with which to communicate means that the patterns, apparent in some cases across broad geographic areas, were not identified until after Lucas' arrest.[142]

The Enterprise Policing model mandates that immediate steps be taken to eliminate linkage blindness in police agencies throughout the country. The American public simply deserves better from its police departments. The evolution to intelligence-led policing is equally important. If agencies do not take the steps to analyze and disseminate the information available to them, linkage blindness will continue and criminal threats will go unrecognized.

Closely related to all of this is the backbone of Enterprise Policing, new adaptations of community policing. As disclosed by research in the thesis, many police agencies still "don't get it." There is much work to be done in many of America's police departments to instill community policing as a philosophy and practice. Agencies that fail in this effort will fall short in creating the trust and respect that they need from

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[141] Egger, *Killers Among Us,* 251-252.

[142] Ibid., 251.

community members. Gathering intelligence and information sharing will be thwarted without public trust. Consider the following example of a missed opportunity in this area.

The Chicago area has one of the largest rail networks in the United States, making it a prime location for rail enthusiasts, known as railfans, to engage in their hobby of photographing trains from public locations. Prior to September 11, 2001, there were few concerns that existed between railfans and the Metra commuter rail authorities. All of that changed on the afternoon of January 8, 2005. It was then that two railfans set up their tripods to photograph a commuter trains as they traveled through the suburban community of Morton Grove, Illinois.

Acting on direction from the Metra police, two Morton Grove police officers approached the railfans, detained them, and told them that they would have to await the arrival of Metra police officials. While awaiting the Metra police, the Morton Grove officers ran a routine identification check on the railfans and obtained permission to conduct a search of their truck, finding only the usual railfan paraphernalia; magazines, radio scanners, and timetables.

The Metra officials arrived and told the railfans that, due to heightened security concerns, photography of planes, trains, automobiles, and boat traffic was now illegal. The railfans objected, stating that the First Amendment of the Constitution guaranteed their rights to photograph the trains. The Metra officials informed the railfans that the laws prohibiting the photography of trains superseded the Constitution and that their film could be confiscated if the terrorism task force so ordered. The railfans said that they would not give up their film and they expressed further concerns about their names being added to some federal database that could impact their freedom to fly or haunt them in some other way in the future. A background check with the terrorism task force revealed nothing worth further detention of the railfans and they were permitted to leave with warnings not to photograph trains in the future, even from public sidewalks.

That evening, the railfans decided to let others know of their misfortune in Morton Grove. They posted their account of the incident into an area Internet discussion group and, within hours, countless e-mails flooded the online railfan community. By the

following Monday morning, several of these e-mails reached the desks of Metra executives and the Chicago Tribune newspaper. On January 19, the Chicago Tribune published a thorough front-page story on the incident titled, "Suddenly, a Suspicious Hobby," raising the awareness about railroad photography and the First Amendment concerns. Bill Molony, president of a National Railway Historical Society chapter was quoted as follows: "The general consensus is it's easier for a railfan to take pictures in China than it is here."[143] An ACLU spokesman tempered his remarks by stating that people generally have a right to take pictures in a public place where others do not have an expectation of privacy. However, he noted that security issues could limit what people photograph, such as a defense facility. This article was followed by a Tribune editorial titled, "Stupidity, ignorance, and the power of fear – Chicago railfans are terrorists? Give me a break."

Metra officials responded to the criticism by "clarifying" their position. Without saying that their officer was wrong, they publicly acknowledged that it was all right for people to photograph trains from public areas. Railfans have responded by recognizing the security concerns and stated that they, too, want the railroads to be safe. They believe that they could be of assistance to authorities by reporting suspicious incidents that they may observe.

Of course, this has not been the only time that concerns have been brought to the attention of police authorities regarding possible security concerns at Chicago's train systems. In fact, the Transportation Security Agency has documented seven suspicious incident reports involving the rail systems since September 10, 2004. Although police officials have contacted the parties involved in most of those incidents, none of them generated the controversy that surrounded the Morton Grove incident. That incident involved a classic example of how law enforcement's concern for security violated the civil rights of the public and became counterproductive.

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[143]*Chicago Tribune*, January 19, 2005.

The learning points from this controversy are:

- The railfan community is generally a law-abiding group. They feel that they can actually contribute to transportation security by being alert for anything that appears to be out of place.
- The railfan community understands the need for law enforcement officials to ensure public safety by checking out their activities. However, they do not want to be prohibited from exercising their right to photograph a train from public property.
- Apparently, some law enforcement agencies in the Chicago area were unaware of the rail photography hobby and laws were cited that simply did not exist in an attempt to curtail this hobby.
- Education of both police officials and the railfans seems to have reduced this controversy at this time.

Tactics and technology are some of the most critical areas of change because of the nature of Homeland Security concepts. They are also areas in which police are most deficient and for which they will remain on a learning curve for some time to come. Although police are familiar with the concepts of conducting risk assessments, gathering and processing intelligence, and developing response plans for large-scale crises, they will need more training and education in these areas in the future. They will also need to enhance their knowledge of tactics related to anti-terrorism and counter-terrorism. The technology that will be required and the protection of that technology will also challenge tomorrow's police officer in unprecedented ways.[144]

Organizational change can be difficult. Leaders who have tried to implement such change know that the challenge can be steep. "They face four hurdles. One is cognitive: waking employees up to the need for a strategic shift. The second is limited resources. The greater the shift in strategy, the greater it is assumed are the resources needed to execute it. . . . The third is motivation. How do you motivate key players to move and tenaciously to carry out a break from the status quo? . . . The final hurdle is politics. As one manager put it, 'In our organization you get shot down before you stand up.'"[145] These hurdles are not insurmountable. The following example explains how one agency is overcoming the hurdles to change.

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[144] Oliver, *The Era of Homeland Security: September 11, 2001 to . . .,* 14.

[145] Kim and Mauborgne, *Blue Ocean,* 147-148.

The Naperville, Illinois Police Department is comprised of 189 sworn police officers and 114 non-sworn employees. Serving a city of 140,000 residents, the department has a reputation for being a service oriented agency that enjoys strong community and political support. In return, the residents of Naperville live in a community known for having a high quality of life and a low crime rate. In 2005, *Money* magazine ranked Naperville as the third best place in the United States to live.[146] Community safety was considered as one of the factors in that rating.

In Naperville, the shift toward an Enterprise Policing model has already begun. The future of the Naperville Police Department looks like this. A police officer types a domestic violence report on his in-car computer and makes note of hate literature found in the residence; a traffic officer issues a citation to a speeding motorist of a known white supremist group; a school resource officer intercepts hallway gossip about a garage at an unknown location containing several cases of empty bottles and cans of gasoline; and a desk officer enters a noise report involving people chanting racial slurs in a loud voice.

The police officers in different assignments may not be aware of any connection between these incidents. Although each contact generates data, no pattern appears to the line level officers. Add to this scenario a police intelligence analyst aided by state-of-the-art data management tools monitoring the flow of data in real time, watching vast banks of information from 30,000 feet, looking for patterns, looking for the underlying network of a criminal or a terrorist organization, and the connection now appears in plain view, yielding actionable intelligence.

This is not techno-thriller fiction; this is the attainable reality of the Naperville Police Department's strategic shift toward Enterprise Policing. As with all organizational change, this shift in departmental direction from our former community policing model is being met with some challenges. Two of those challenges can be described as internal to the organization and two are external. The two internal challenges involve making employees understand the need for change and motivating them to develop the skills required to make change happen. The external challenges are concerned with getting stakeholders (the city council and the public) to support the change and to obtain the

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[146] Tara Kalwarski, Donna Rosato and Cybele Weisser, "Best Places to Live – 2005," *Money* (http://money.cnn.com/best/bplive/). Viewed on January 20, 2006.

necessary fiscal resources to purchase new technology that will enable the change to occur. To overcome these challenges, leadership and commitment from several members of the department has been, and will continue to be, required.

Partial success has already been achieved through budget meetings in 2004 and 2005 with the city council. The need for the department to become more proactive in homeland security issues and in addressing complex crimes that were occurring in our area was addressed. There was also an explanation of why the department was not able to accomplish that goal with existing organizational structure and technology. The result was the approval new personnel for the creation of an intelligence unit and a $150,000 intelligence analysis software package for the first phase of necessary technology. Once this has been installed and is fully operational, there may be additional costs associated with upgrading and adding onto this system over the next two to four years. Partnering with neighboring agencies will be critical to the success of such upgrades.

To keep the community members apprised of what is happening in the police department, presentations have been made at service club meetings and during citizen police academy sessions. Thus far, the reactions have been positive. Public safety is a priority and many in the community expect their police to take the necessary steps to keep the crime rate low and their neighborhoods safe.

Making employees understand the need for change has actually been easier than was anticipated. As the chief, I have personally met with several of them in team meetings and roll call sessions to explain how a move toward Enterprise Policing can help to overcome linkage blindness and benefit them personally by making them more effective police officers. They seem to understand this and have not voiced dissent to the concept.

The next challenge, that of motivating the officers to learn new skills and change the way they do things, may be much more difficult to overcome. The abilities required in order to reap the greatest benefit from the technology changes will undoubtedly cause stress for many employees. The process of transition to a high-tech, data driven organization can easily result in the loss of focus on day-to-day field operations and result in task overload for personnel in the department. The managers recognize that they have the opportunity to change the information landscape in the organization and make it

better, smarter, and faster, but the core business must remain centered on field operations. The overload hazard can be overcome through realistic planning, project management, and goal setting.[147]

Implementation of a project of this scope must also have a management culture that accepts and values both positive and negative responses from the employees impacted by the change. History is littered with examples of complex projects that have failed due to management cultures that suppress negative information and only receive what the bosses want to hear. One of the key failures identified by the Columbia Accident Investigation Board was that of a faulty NASA management culture that suppressed anything other than, "Go for launch!"[148]   To overcome this, we must emphasize the power of candor and open communication to extract the maximum value from line personnel, field supervisors, and managers.

In order to help drive this change, each of the division commanders has been assigned the responsibility to manage that portion of the change that is applicable to their divisions and my next step will be to enlist assistance from six of the most respected and trusted sergeants in the department. Through meetings that have occurred so far, one of the biggest issues identified is getting employees to accept a new field reporting system that will provide the foundation of the data bank that results in analysis for intelligence purposes. The department has a long way to go in minimizing reporting errors and ensuring accuracy of data. Strict accountability from the officers who type the reports and the supervisors who approve them will become a part of our culture in the future.

Obviously, there will be other leadership challenges as the movement into an Enterprise Policing model continues. Those challenges will be met with clear communication and a continuing demonstration of the necessity of this change:

- The challenge to public safety is ever changing and the police department must adapt to those changes.
- Intelligence is critical for decision making.
- Intelligence is critical for planning and strategic targeting.

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[147] Institute for Police Research, Northwestern University, *Policing Smarter Through IT: Lessons in Enterprise Implementation* (Washington, D.C.: USDOJ, 2004), 16.

[148] Harold W. Gehman, Jr., et al, *Columbia Accident Investigation Board, Report Volume 1* (Washington, DC: NASA Government Printing Office, 2003), 170.

- Law enforcement cannot function effectively without having intelligence available and using it.
- Intelligence is critical for crime prevention.
- Information sharing analysis and sharing are necessary to overcome linkage blindness.
- Networking with others is an absolute requirement for effective information sharing.

A. CIVIL RIGHTS VERSUS SECURITY

If police administrators who make organizational changes do not get this right, they will fail miserably at protecting the Constitutional rights they are fighting to preserve. The protection of civil rights is a primary consideration in the proper adaptation on intelligence-led policing in the enterprise model.

The power vested in the police under the Enterprise Policing Model poses a risk to civil liberties. Police leaders must recognize the delicate balance that exists between police targeting terrorist and criminal violations versus police who sweep neighborhoods, searching for specific suspects, and entangling innocent people in their nets. While the police use the new tactics and technology available to them, they must ensure that civil liberties are protected, that power is not abused, and that laws are enforced fairly. Just as terrorists and criminals must be held accountable for their acts, so too must the police be accountable to the citizens they serve.[149]

To be certain, there has been a recalibration of the balance between civil rights and security since the 9/11 attacks. The American public has shown that it is willing to give government some leeway in this area as long as the government takes only limited, necessary measures to provide the security that the citizens of the country deserve. The most obvious example of this can be found in airports during security screening processes. It is incumbent upon police leaders to ensure that the delicate balance does not sway too far in either direction.

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[149] Oliver, *The Era of Homeland Security,* 17.

As police agencies become more effective at mining and analyzing data from disparate sources, their challenge is to ensure that mistakes of the past are not repeated and that their intelligence units or officers are used for their intended purpose of ensuring community safety.

With each of these challenges, comes an opportunity. For the police executive, the opportunity is to demonstrate leadership and vision in his agency and his community. In dealing with the media, it is important to take every opportunity to remember that, "America's media, for all their problems, form a cornerstone of our freedom."[150] The police must recognize this, provide the media with complete, accurate information as long as it does not compromise tactics or investigations, and 'never start a war with people who buy ink by the barrelful.'

By overcoming the hurdles associated with organizational change, the police executive can make his agency more effective at fighting crime and ensuring safety of those he was sworn to protect. To reiterate the words of Martin Van Creveld, "Either we make the necessary changes . . . or what is commonly known as the modern world will lose all sense of security and dwell in perpetual fear."[151] It is possible to make those necessary changes. Establishing the Enterprise Policing model can provide American law enforcement with the philosophical anchor needed to navigate the dangerous passage to homeland security.

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[150] Peters, *New Glory,* 59.

[151] Van Creveld, "In Wake of Terrorism," 58.

APPENDIX

PART 23 – CRIMINAL INTELLIGENCE SYSTEMS OPERATING POLICIES

Authority:

42 U.S.C. 3782(a); 42 U.S.C. 3789g(c).

Source:

58 FR 48452, Sept. 16, 1993, unless otherwise noted.

§23.1 Purpose

The purpose of this regulation is to assure that all criminal intelligence systems operating through support under the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3711, *et seq.*, as amended (Pub. L. 90–351, as amended by Pub. L. 91–644, Pub. L. 93–83, Pub. L. 93–415, Pub. L. 94–430, Pub. L. 94–503, Pub. L. 95–115, Pub. L. 96–157, Pub. L. 98–473, Pub. L. 99–570, Pub. L. 100–690, and Pub. L. 101–647), are utilized in conformance with the privacy and constitutional rights of individuals.

§23.2 Background

It is recognized that certain criminal activities, including but not limited to loan sharking, drug trafficking, trafficking in stolen property, gambling, extortion, smuggling, bribery, and corruption of public officials, often involve some degree of regular coordination and permanent organization involving a large number of participants over a broad geographical area. The exposure of such ongoing networks of criminal activity can be aided by the pooling of information about such activities. However, because the collection and exchange of intelligence data necessary to support control of serious criminal activity may represent potential threats to the privacy of individuals to whom such data relates, policy guidelines for federally funded projects are required.

§23.3 Applicability

(a) These policy standards are applicable to all criminal intelligence systems operating through support under the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3711, *et seq.*, as amended (Pub. L. 90–351, as amended by Pub. L. 91–644, Pub. L. 93–83, Pub. L. 93–415, Pub. L. 94–430, Pub. L. 94–503, Pub. L. 95–115, Pub. L. 96–157, Pub. L. 98–473, Pub. L. 99–570, Pub. L. 100–690, and Pub. L. 101–647).

(b) As used in these policies:

(1) *Criminal Intelligence System* or *Intelligence System* means the arrangements, equipment, facilities, and procedures used for the receipt, storage, interagency exchange or dissemination, and analysis of criminal intelligence information;

(2) *Interjurisdictional Intelligence System* means an intelligence system which involves two or more participating agencies representing different governmental units or jurisdictions;

(3) *Criminal Intelligence Information* means data which has been evaluated to determine that it:

(i) Is relevant to the identification of and the criminal activity engaged in by an individual who or organization which is reasonably suspected of involvement in criminal activity, and

(ii) Meets criminal intelligence system submission criteria;

(4) *Participating Agency* means an agency of local, county, State, Federal, or other governmental unit which exercises law enforcement or criminal investigation authority and which is authorized to submit and receive criminal intelligence information through an interjurisdictional intelligence system. A participating agency may be a member or a nonmember of an interjurisdictional intelligence system;

(5) *Intelligence Project* or *Project* means the organizational unit which operates an intelligence system on behalf of and for the benefit of a single agency or the organization which operates an interjurisdictional intelligence system on behalf of a group of participating agencies; and

(6) *Validation of Information* means the procedures governing the periodic review of criminal intelligence information to assure its continuing compliance with system submission criteria established by regulation or program policy.

§23.20 Operating principles

(a) A project shall collect and maintain criminal intelligence information concerning an individual only if there is reasonable suspicion that the individual is involved in criminal conduct or activity and the information is relevant to that criminal conduct or activity.

(b) A project shall not collect or maintain criminal intelligence information about the political, religious or social views, associations, or activities of any individual or any group, association, corporation, business, partnership, or other organization unless such information directly relates to criminal conduct or activity and there is reasonable suspicion that the subject of the information is or may be involved in criminal conduct or activity.

(c) *Reasonable Suspicion* or *Criminal Predicate* is established when information exists which establishes sufficient facts to give a trained law enforcement or criminal investigative agency officer, investigator, or employee a basis to believe that there is a reasonable possibility that an individual or organization is involved in a definable criminal activity or enterprise. In an interjurisdictional intelligence system, the project is responsible for establishing the existence of reasonable suspicion of criminal activity either through examination of supporting information submitted by a participating agency or by delegation of this responsibility to a properly trained participating agency which is subject to routine inspection and audit procedures established by the project.

(d) A project shall not include in any criminal intelligence system information which has been obtained in violation of any applicable Federal, State, or local law or ordinance. In an interjurisdictional intelligence system, the project is responsible for establishing that no information is entered in violation of Federal, State, or local laws, either through examination of supporting information submitted by a participating agency or by delegation of this responsibility to a properly trained participating agency which is subject to routine inspection and audit procedures established by the project.

(e) A project or authorized recipient shall disseminate criminal intelligence information only where there is a need to know and a right to know the information in the performance of a law enforcement activity.

(f)(1) Except as noted in paragraph (f)(2) of this section, a project shall disseminate criminal intelligence information only to law enforcement authorities who shall agree to follow procedures regarding information receipt, maintenance, security, and dissemination which are consistent with these principles.

(2) Paragraph (f)(1) of this section shall not limit the dissemination of an assessment of criminal intelligence information to a government official or to any other individual, when necessary, to avoid imminent danger to life or property.

(g) A project maintaining criminal intelligence information shall ensure that administrative, technical, and physical safeguards (including audit trails) are adopted to insure against unauthorized access and against intentional or unintentional damage. A

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record indicating who has been given information, the reason for release of the information, and the date of each dissemination outside the project shall be kept. Information shall be labeled to indicate levels of sensitivity, levels of confidence, and the identity of submitting agencies and control officials. Each project must establish written definitions for the need to know and right to know standards for dissemination to other agencies as provided in paragraph (e) of this section. The project is responsible for establishing the existence of an inquirer's need to know and right to know the information being requested either through inquiry or by delegation of this responsibility to a properly trained participating agency which is subject to routine inspection and audit procedures established by the project. Each intelligence project shall assure that the following security requirements are implemented:

(1) Where appropriate, projects must adopt effective and technologically advanced computer software and hardware designs to prevent unauthorized access to the information contained in the system;

(2) The project must restrict access to its facilities, operating environment and documentation to organizations and personnel authorized by the project;

(3) The project must store information in the system in a manner such that it cannot be modified, destroyed, accessed, or purged without authorization;

(4) The project must institute procedures to protect criminal intelligence information from unauthorized access, theft, sabotage, fire, flood, or other natural or manmade disaster;

(5) The project must promulgate rules and regulations based on good cause for implementing its authority to screen, reject for employment, transfer, or remove personnel authorized to have direct access to the system; and

(6) A project may authorize and utilize remote (off-premises) system data bases to the extent that they comply with these security requirements.

(h) All projects shall adopt procedures to assure that all information which is retained by a project has relevancy and importance. Such procedures shall provide for the periodic review of information and the destruction of any information which is misleading, obsolete or otherwise unreliable and shall require that any recipient agencies be advised of such changes which involve errors or corrections. All information retained as a result of this review must reflect the name of the reviewer, date of review and explanation of decision to retain. Information retained in the system must be reviewed and validated for continuing compliance with system submission criteria before the expiration of its retention period, which in no event shall be longer than five (5) years.

(i) If funds awarded under the Act are used to support the operation of an intelligence system, then:

(1) No project shall make direct remote terminal access to intelligence information available to system participants, except as specifically approved by the Office of Justice Programs (OJP) based on a determination that the system has adequate policies and procedures in place to insure that it is accessible only to authorized systems users; and

(2) A project shall undertake no major modifications to system design without prior grantor agency approval.

(ii) [Reserved]

(j) A project shall notify the grantor agency prior to initiation of formal information exchange procedures with any Federal, State, regional, or other information systems not indicated in the grant documents as initially approved at time of award.

(k) A project shall make assurances that there will be no purchase or use in the course of the project of any electronic, mechanical, or other device for surveillance purposes that is in violation of the provisions of the Electronic Communications Privacy Act of 1986, Public Law 99–508, 18 U.S.C. 2510–2520, 2701–2709 and 3121–3125, or any applicable State statute related to wiretapping and surveillance.

(l) A project shall make assurances that there will be no harassment or interference with any lawful political activities as part of the intelligence operation.

(m) A project shall adopt sanctions for unauthorized access, utilization, or disclosure of information contained in the system.

(n) A participating agency of an interjurisdictional intelligence system must maintain in its agency files information which documents each submission to the system and supports compliance with project entry criteria. Participating agency files supporting system submissions must be made available for reasonable audit and inspection by project representatives. Project representatives will conduct participating agency inspection and audit in such a manner so as to protect the confidentiality and sensitivity of participating agency intelligence records.

(o) The Attorney General or designee may waive, in whole or in part, the applicability of a particular requirement or requirements contained in this part with respect to a criminal intelligence system, or for a class of submitters or users of such system, upon a clear and convincing showing that such waiver would enhance the collection, maintenance or dissemination of information in the criminal intelligence system, while ensuring that such system would not be utilized in violation of the privacy and constitutional rights of individuals or any applicable state or federal law.

§23.30 Funding guidelines

The following funding guidelines shall apply to all Crime Control Act funded discretionary assistance awards and Bureau of Justice Assistance (BJA) formula grant program subgrants, a purpose of which is to support the operation of an intelligence

system. Intelligence systems shall only be funded where a grantee/subgrantee agrees to adhere to the principles set forth above and the project meets the following criteria:

(a) The proposed collection and exchange of criminal intelligence information has been coordinated with and will support ongoing or proposed investigatory or prosecutorial activities relating to specific areas of criminal activity.

(b) The areas of criminal activity for which intelligence information is to be utilized represent a significant and recognized threat to the population and:

(1) Are either undertaken for the purpose of seeking illegal power or profits or pose a threat to the life and property of citizens; and

(2) Involve a significant degree of permanent criminal organization; or

(3) Are not limited to one jurisdiction.

(c) The head of a government agency or an individual with general policy making authority who has been expressly delegated such control and supervision by the head of the agency will retain control and supervision of information collection and dissemination for the criminal intelligence system. This official shall certify in writing that he or she takes full responsibility and will be accountable for the information maintained by and disseminated from the system and that the operation of the system will be in compliance with the principles set forth in §23.20.

(d)(1) Where the system is an interjurisdictional criminal intelligence system, the governmental agency which exercises control and supervision over the operation of the system shall require that the head of that agency or an individual with general policymaking authority who has been expressly delegated such control and supervision by the head of the agency:

(i) Assume official responsibility and accountability for actions taken in the name of the joint entity, and

(ii) Certify in writing that the official takes full responsibility and will be accountable for insuring that the information transmitted to the interjurisdictional system or to participating agencies will be in compliance with the principles set forth in §23.20.

(2) The principles set forth in §23.20 shall be made part of the by-laws or operating procedures for that system. Each participating agency, as a condition of participation, must accept in writing those principles which govern the submission, maintenance and dissemination of information included as part of the interjurisdictional system.

(e) Intelligence information will be collected, maintained and disseminated primarily for State and local law enforcement efforts, including efforts involving Federal participation.

§23.40 Monitoring and auditing of grants for the funding of intelligence systems

(a) Awards for the funding of intelligence systems will receive specialized monitoring and audit in accordance with a plan designed to insure compliance with operating principles as set forth in §23.20. The plan shall be approved prior to award of funds.

(b) All such awards shall be subject to a special condition requiring compliance with the principles set forth in §23.20.

(c) An annual notice will be published by OJP which will indicate the existence and the objective of all systems for the continuing interjurisdictional exchange of criminal intelligence information which are subject to the 28 CFR part 23 Criminal Intelligence Systems Policies.

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